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Issued March, 1938

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**United States Department of Agriculture**  
U. S. DEPARTMENT OF AGRICULTURE  
FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27576-27700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 11, 1938]

**27576. Adulteration of dicalcium phosphate.** U. S. v. 360 Jars of Dicalcium Phosphate. Default decree of condemnation and destruction. (F. & D. No. 33775. Sample No. 33320-B.)

This product contained an excessive amount of fluorine.

On July 19, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 jars of dicalcium phosphate at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about May 21, 1935, by Parke, Davis & Co., from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Fourth Pound D C P 340 (Dicalcium Phosphate) Parke, Davis & Co., Detroit, Mich."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, to wit, fluorine, in an amount which might have rendered it injurious to health.

On June 3, 1937, the answer and claim of Parke, Davis & Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

**27577. Adulteration and misbranding of canned shrimp.** U. S. v. 9 Cases of Canned Shrimp (and 5 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 38262, 38300, 38778, 39265, 39331, 39508. Sample Nos. 6396-C, 6604-C, 13797-C, 13798-C, 18843-C, 26318-C, 26332-C.)

This case involved six shipments of canned shrimp five of which were adulterated because of the presence of decomposed shrimp. The sixth lot was misbranded because it fell below the standard of fill of container established by this Department and was not labeled to indicate that it was substandard, which was also true of one of the adulterated lots.

On September 5, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned shrimp at Beaumont, Tex.

On September 14 and December 8, 1936, and March 27, April 5, and April 26, 1937, libels were filed against 4 cases of canned shrimp at Beaumont, Tex., 17 cases of the product at Port Arthur, Tex., 180 cases at Chicago, Ill., and 6 cases at Peoria, Ill. The libels alleged that the article had been shipped in interstate commerce between the dates of August 14, 1936, and February 24, 1937, by the L. C. Mays Co., Inc., from New Orleans, La.; and that certain lots were adulterated, one lot was misbranded, and one lot was adulterated and misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled, "Doll Baby Brand Dry Pack Shrimp \* \* \* L. C. Mays Co., Inc., Distributors New Orleans, La.;" another portion was labeled, "White Oak Brand Small Wet Shrimp Packed for Oakford And Fahnestock, Peoria, Ill." The remainder at the time of shipment was labeled, "Doll Baby Brand," but this label later was removed by the consignee.

The article in all lots with one exception was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

One of the said lots and the remaining lot were alleged to be misbranded in that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it was slack-filled because of excessive packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 28, 1936, March 24, June 7, and October 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27578. Adulteration of canned salmon. U. S. v. Pacific American Fisheries, Inc.**  
**Plea of guilty. Fine, \$200 and costs. (F. & D. No. 38679. Sample Nos.**  
**11059-C, 22309-C.)**

Samples of this product were found to be decomposed.

On May 26, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific American Fisheries, Inc., trading at Bellingham, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about June 20, June 25, and August 3, 1936, from King Cove, Alaska, to Bellingham, Wash., of a quantity of unlabeled canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On July 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27579. Adulteration of canned tomato paste. U. S. v. Marlboro Canning Corporation. Plea of guilty. Fine, \$270. (F. & D. No. 38688. Sample Nos. 17747-C to 17751-C, incl., 17757-C, 17905-C, 26453-C, 26471-C.)**

This product was found to contain excessive mold.

On August 3, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marlboro Canning Corporation, Marlboro, N. Y., alleging shipment by said company in violation of the Food and Drugs Act in various shipments, on or about September 29, October 1, 10, 17, 21, 22, and 28, and November 23, 1936, from the State of New York into the State of New Jersey; and on or about November 12, 1936, from the State of New York into the State of Connecticut of quantities of tomato paste that was adulterated. The article was labeled in part: "Lola Brand Tomato Paste \* \* \* Packed by The Marlboro Canning Corp. Marlboro, N. Y."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

On August 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$270.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27580. Adulteration of flour. U. S. v. 503 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 38750 to 38757, incl. Sample Nos. 2051-C to 2053-C, incl., 2056-C to 2060-C, incl.)**

This product was insect-infested.

On December 8, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 503 sacks of flour at Lufkin, Tex., alleging that the article had been shipped in interstate commerce on or about October 21, 1936, by the Eagle Milling Co., from Edmond, Okla., and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part as follows: "Creation Flour \* \* \* American Maid Flour Mills, Houston, Texas"; "Sunshine Flour \* \* \* Sunshine Food Stores Oklahoma City"; "Eagle Mill Omaha Highest Patent Eagle Milling Co."; "Mary Sunshine Flour \* \* \* The Mid West Milling Co. Abilene, Kansas \* \* \* Extra High Patent Flour"; "Southern Delight Flour \* \* \* Texas Star Flour Mills, Galveston, Texas."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance and was insect-infested.

On February 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27581. Adulteration of canned huckleberries. U. S. v. 267 Cartons and 19 Cases of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 38761, 39202. Sample Nos. 29325-C, 36139-C.)**

Samples of this product were found to be worm- and insect-infested.

On December 10, 1936, and June 18, 1937, the United States attorneys for the Districts of Oregon and Montana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 267 cartons of canned huckleberries at Portland, Oreg., and 19 cases of canned huckleberries at Great Falls, Mont. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about October 21 and November 10, 1936, by Younglove & Co., from Tacoma, Wash., to Portland, Oreg., and in part on or about November 19, 1936, by the Seattle Transfer & Storage Co. from Seattle, Wash., in a pool-car shipment to Great Falls, Mont., and from there to Helena, Mont., by the Nash-Finch Co.'s truck, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B and H Brand Huckleberries Younglove & Company Tacoma, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 18 and July 2, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27582. Adulteration of canned salmon. U. S. v. 200 Cases and 53 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 38919, 38920. Sample No. 16140-C.)**

This product was in part decomposed.

On January 12, 1937, the United States attorney for the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 cases of canned salmon at Columbia, S. C., and 53 cases of canned salmon at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about September 30, 1936, by McGovern & McGovern from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Northern Waters Brand Alaska Pink Salmon \* \* \* Distributed by North Coast Fisheries Co. Seattle, U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 18 and June 28, 1937, the Alaska Red Salmon Packers, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27583. Misbranding of tomato juice. U. S. v. 400 Cases and 515 Cases of Tomato Juice. Cases consolidated. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 37547, 37707. Sample Nos. 62460-B, 62462-B.)**

This product contained approximately 10 percent of water added by the condensation of steam in the extraction process. A portion was short in volume.

On April 4 and May 4, 1936, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots, 400 cases and 515 cases, respectively, of tomato juice at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce between the dates of September 17, 1935, and February 8, 1936, by Libby, McNeill & Libby, in part from Manzanola, Colo., and in part from Rocky Ford, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. On April 12, 1937, the libel filed on April 4 was amended. The article was labeled in part: "Libby's Fancy Tomato Juice 14 Fl. Oz. Net \* \* \* Libby, McNeill & Libby."

The libels alleged that the article was adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength; and in that water had been substituted wholly or in part for tomato juice, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Fancy Tomato Juice," was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing added water. A portion of the article was alleged to be misbranded further in that the statement on the label, "14 Fl. Oz. Net," was false and misleading and tended to deceive and mislead the purchaser and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

Libby, McNeill & Libby appeared as claimant and consented that a decree might be entered finding the product misbranded in that it was not tomato juice as labeled but contained water added by the condensation of steam in the extraction process. On May 1, 1937, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond conditioned that it be relabeled, the relabeled goods to bear the statement "10 percent water added through steam condensation," and another statement indicating that not more than 13½ fluid ounces were contained in the cans of that portion found to be short in volume.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27584. Adulteration and misbranding of canned salmon. U. S. v. 113 $\frac{1}{4}$  Cases and 208 $\frac{3}{4}$  Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond conditioned that decomposed portion be destroyed and good portion relabeled. (F. & D. Nos. 38931, 38932. Sample No. 13890.)**

This product was adulterated because it was in part decomposed, and was misbranded because it had been packed by a firm other than that declared on the case.

On January 9, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels (which were subsequently amended) praying seizure and condemnation of 113 $\frac{1}{4}$  cases of canned salmon at Harlingen, Tex., and 208 $\frac{3}{4}$  cases of canned salmon at Corpus Christi, Tex., alleging that the article had been shipped in interstate commerce on or about September 23, 1936, by the Wesco Foods Co. from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Floe Brand Alaska Pink Salmon \* \* \* Packed in Alaska for Shepard Point Packing Co.;" (cases) "Packed by Shepard Point Packing Co., Main Office Seattle Washington."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

The article was alleged to be misbranded in that the statement on the case, "Packed by Shepard Point Packing Co. Main Office Seattle Washington U. S. A.," was false and misleading and tended to deceive and mislead the purchaser since it represented that the article had been packed by the Shepard Point Packing Co.; whereas it was packed by Ocean Packing Co., Klawock, Alaska.

On June 10, 1937, the Ocean Packing Co. having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the bad portion be segregated and destroyed and the good portion properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27585. Adulteration of canned pears and canned peaches. U. S. v. 52 Cases of Canned Pears, et al. Default decree of condemnation and destruction. (F. & D. Nos. 38992 to 38996, incl. Sample Nos. 31381-C to 31385-C, incl.)**

These products were found to be in part decomposed.

On January 27, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of pears and 734 cases of peaches at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce on or about September 12, 1936, by the G. W. Hume Co. from San Francisco, Calif., and charging adulteration in violation of the Food

and Drugs Act. One lot of the peaches was labeled in part: (Case) "Red Bird Brand Sh. Y. C. Peaches Distributors The Monopeny-Hammond Co. Columbus, Ohio."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed and putrid vegetable substances.

On July 28, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27586. Adulteration of canned beets. U. S. v. 305 Cases of Canned Cut Beets. Default decree of destruction. (F. & D. No. 39008. Sample No. 19731-C.)**

This product was moldy and decomposed.

On January 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 305 cases of canned beets at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce in part on or about October 17, 1936, from Sussex, Wis., and in part on or about November 13, 1936, from Astico, Wis., by Mammoth Springs Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blue & White Brand Cut Beets \* \* \* Red & White Corp'n. Distributors Chicago, Ill. Buffalo, N. Y. San Francisco, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 22, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27587. Misbranding of canned tomatoes. U. S. v. 971 Cases, et al., of O. T. Ozark Trail Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39017. Samples Nos. 21455-C, 21456-C.)**

This product consisted of tomatoes with puree from trimmings and it was not labeled to indicate that it was substandard.

On January 31, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,970 cases of canned peas at Springfield, Mo., alleging that the article had been shipped in interstate commerce by the Sheridan Packing Co. from Sheridan, Ind., in part on or about November 17, and in part on or about December 1, 1936, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "O. T. Ozark Trail Tomatoes \* \* \* Packed For Springfield Grocery Co. Springfield, Mo."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On February 15, 1937, the Springfield Grocery Co. and the Sheridan Packing Co., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27588. Adulteration of canned shrimp. U. S. v. 90 Cases of Canned Shrimp. Decree of condemnation and destruction. (F. & D. No. 39092. Sample No. 26624-C.)**

This product was in whole or in part decomposed.

On February 18, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 21, 1937, by the Rinaud Co. from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Forest City Brand Wet Pack Shrimp \* \* \* The Lowden Corp. Distributors, Savannah, Ga."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 13, 1937, the Lowden Corporation, Savannah, Ga., having entered an appearance and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27589. Adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 89132. Sample No. 12288-C.)**

This case involved canned tomato paste that contained excessive mold.

On February 24, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned tomato paste at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce on or about November 27, 1936, by Page's Gold Medal Canning Co. from Albion, N. Y., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Page's Gold Medal Italian Style Tomato Paste \* \* \* Packed by Page's Gold Medal Canning Co. Albion, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27590. Misbranding of canned peas. U. S. v. 143 Cases of Canned Peas. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 39154. Sample No. 31786-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On March 4, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 cases of canned peas at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about October 27, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Mason Dixon Brand Early June Peas Packed by Lineboro Canning Co. Inc. Lineboro, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature—more than 25 percent being ruptured—and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 25, 1937, no claimant having appeared, judgment of condemnation was entered, and since the product was not unfit for human consumption, it was ordered by the court that it be delivered to a charitable institution after the labels had been removed to insure its not being resold or diverted into the channels of trade.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27591. Adulteration of canned shrimp. U. S. v. 88 Cases and 50 Cases of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. Nos. 39155, 39242. Sample Nos. 20540-C, 20556-C.)**

This product was in whole or in part decomposed.

On February 27 and March 20, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 138 cases of canned shrimp in part at Fall River, and in part at Boston, Mass., alleging that the article had been shipped in interstate commerce in various shipments on or about December 8, 19, and 30, 1936, by W. M. Brooks Packing Co., Inc., from Fernandina, Fla., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Can) "Florida Sea Brand \* \* \* Packed by W. M. Brooks Packing Co., Inc. Fernandina, Fla."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 22 and September 13, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27592. Adulteration and misbranding of boiled cider. U. S. v. 14 Cases of Boiled Pure Apple Cider. Default decree of condemnation and destruction.** (F. & D. No. 39200. Sample No. 23970-C.)

This product contained excessive arsenic and lead, and the bottle label failed to bear a statement of the quantity of the contents.

On April 5, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of boiled cider at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about November 2, 1936, by Keller-Lorenz Co. from Spokane, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Pure Juice Autumn Crushing K-L Boiled Pure Apple Cider Keller-Lorenz Co. Spokane, Wash. Net 1 [the word 'Gallon' had been scratched]." The bottles actually were 12-ounce size.

The article was alleged to be adulterated in that it contained added poisonous and other deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statements "Pure Juice" and "Pure Apple Cider" were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing deleterious ingredients, arsenic and lead; misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27593. Adulteration of canned huckleberries. U. S. v. 51 Cases of Huckleberries. Default decree of condemnation and destruction.** (F. & D. No. 39201. Sample No. 36131-C.)

This product was worm- and insect-infested.

On April 5, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases of canned huckleberries at Helena, Mont., alleging that the article had been shipped in interstate commerce by the National Fruit Canning Co. from Seattle, Wash., on or about November 14, 1936, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Real Fruit Brand Water Pack Huckleberries \* \* \* Packed by National Fruit Canning Co., Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27594. Adulteration of butter. U. S. v. 8 Cases of Butter. Default decree of condemnation and destruction.** (F. & D. No. 39218. Sample No. 22591-C.)

This product contained less than 80 percent of milk fat.

On January 27, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of butter at Danville, Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1937, by the Piedmont Creamery Co. from Statesville, N. C., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Carton) "Faultless Kind \* \* \* Danville Dairy Products Co., Danville, Va." The remainder was labeled: (Case) "Danville Dairy Prod. Danville, Va."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which should contain not less than 80 percent of milk fat.

On February 23, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27595. Adulteration of tomato catsup. U. S. v. 36 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 39225. Sample No. 20405-C.)**

Sample of this product were found to contain rodent hairs.

On March 18, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of tomato catsup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 4, 1936, by the J. Weller Co. from Oak Harbor, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Hoffman House Tomato Catsup Packed By The J. Weller Co. Oak Harbor, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27596. Adulteration of tomato paste. U. S. v. 48 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 39229. Sample No. 35245-C.)**

This product was undergoing active spoilage.

On March 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 28, 1936, by the A. Hershel Canning Co. from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Corina Brand \* \* \* Pure Tomato Paste. Packed By A. Hershel Canning Co., Stockton, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27597. Adulteration of canned tomato juice. U. S. v. 7,718 Cases of Tomato Juice. Consent decree of condemnation and destruction. (F. & D. No. 39237. Sample No. 33641-C.)**

This product contained excessive mold.

On March 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7,718 cases of tomato juice at Blue Island, Ill., alleging that the article had been shipped in interstate commerce on various dates from December 8 to December 31, 1936, and from January 4 to January 9, 1937, inclusive, by Libby, McNeill & Libby from Brazil, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Tomato Juice \* \* \* Libby McNeill & Libby Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 7, 1937, Libby, McNeill & Libby having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27598. Adulteration of canned salmon. U. S. v. Red Salmon Canning Co. Plea of guilty. Fine, \$150. (F. & D. No. 39489. Sample Nos. 4003-C, 4005-C, 4008-C, 4012-C, 4017-C, 4320-C, 4326-C.)**

This product was in part decomposed.

On June 3, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Salmon Canning Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 12, 1936, from Naknek, Alaska, to San Francisco, Calif., of a quantity of canned salmon which was adulterated. Certain lots were labeled: (Cans) "Deep Sea Red Alaska Sockeye Red Salmon \* \* \*

Packed by Red Salmon Canning Co. \* \* \* Main Office San Francisco, California"; or "Army and Navy Brand Red Alaska Sockeye Salmon \* \* \* Packed by Naknek Packing Co. at Bristol Bay, Alaska." The remaining lots were labeled: (Cases) "Lucilie Brand Salmon Red Salmon Canning Co."; or "Deep Sea Red Salmon Packed by Red Salmon Canning Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 19, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27599. Misbranding of dehydrated and powdered Swiss Goat's Milk. U. S. v. 8 Boxes of Helm's Dehydrated Pure Swiss Goat's Milk, and 6 Tins of Helm's Powdered Whole Swiss Goat's Milk. Decrees of condemnation. Product delivered to a charitable organization. (F. & D. Nos. 39604, 39605. Sample Nos. 12798-C, 12799-C.)**

The labeling of this product bore false and fraudulent curative or therapeutic claims, false and misleading claims regarding its mineral and vitamin content, and other misrepresentations.

On May 17, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots consisting of 14 boxes or tins of dehydrated and powdered Swiss Goat's Milk at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 21 and May 3, 1937, by Helm Goat Milk Products from Grass Lake, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package label of one lot) "Goat's Milk is approximately four times richer in iron"; (circular accompanying both lots) "\* \* \* 60% of the milk used in Europe is goat's milk \* \* \* Iron Goat's milk contains nearly four times as much iron as does cow's milk \* \* \* Vitaminines are found in great abundance in goat's milk. The vitaminines constitute the living principles in foods. Goat's milk could rightly be named an antirachitic and antiscorbutic food."

It was alleged to be misbranded in that the statements appearing on the label and in the circulars contained in the packages were false and misleading when applied to an article that consisted essentially of fat, protein, milk sugar, water, and small proportions of inorganic substances including compounds of calcium, phosphorus, sodium, potassium, iron, and fluorine. The article was alleged to be misbranded further in that the circular shipped with both lots bore false and fraudulent representations regarding its effectiveness as a dietary aid in the treatment of eczema, tuberculosis, stomach ulcers, asthma, anemia, infant feeding, run-down conditions, acidosis, its effectiveness in bone building, bone repair, bone protection, bone glazing, all bone processes; its effectiveness as an antirachitic and antiscorbutic; and its effectiveness to produce, vim, vigor, and vitality.

On June 24, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered turned over to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27600. Misbranding of potatoes. U. S. v. 300 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39576. Sample No. 43535-C.)**

This product fell below United States grade No. 1 because of excessive grade defects.

On May 7, 1937, the United State attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 4, 1937, by C. H. Runciman from Millbrook, Mich., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Runciman's Lowell Brand U S Grade Number One Michigan Potatoes \* \* \* C H Runciman Lowell Michigan."

It was alleged to be misbranded in the case of food in that the statement on the label, "U S Grade Number One," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that fell below United States grade No. 1.

On May 19, 1937, C. H. Runciman, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27601. Adulteration and misbranding of canned corn. U. S. v. 54 Cases and 57 Cases of Corn. Product released under bond to be relabeled. (F. & D. Nos. 39567, 39568. Sample Nos. 31501-C, 31502-C.)**

This product was labeled Fancy; whereas it was Standard grade—two grades lower than Fancy.

On May 7, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 111 cases of canned corn at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 20 and March 27, 1937, by the Milford Canning Co. from Milford, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Fancy Golden Bantam Sweet Corn [or "Fancy Whole Kernel Golden Bantam Corn"] The Milford Canning Co. Distributors Milford, Ill."

It was alleged to be adulterated in that corn below the grade indicated on the labels had been substituted in whole or in part for canned corn of Fancy grade, which it purported to be.

The article was alleged to be misbranded in that the statement on the labels, "Fancy," was false and misleading and tended to deceive and mislead the purchaser when applied to a product of Standard grade.

On May 28, 1937, the Milford Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered ordering that the product be released to the claimant under bond, conditioned that it be relabeled to conform to the grade contained in the cans.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27602. Adulteration of whiting. U. S. v. 250 Cases of Whiting. Default decree of condemnation and destruction. (F. & D. No. 39551. Sample No. 41472-C.)**

This product was in whole or in part decomposed.

On April 30, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of whiting at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 26, 1937, from Boston, Mass., by the American Fish Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 23, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27603. Misbranding of canned peas. U. S. v. 52 Cases and 180 Cases of Canned Peas. Decrees of condemnation. Portion of product destroyed; remainder released under bond to be relabeled. (F. & D. Nos. 39532, 39533. Sample Nos. 20513-C, 31995-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 28 and 29, 1937, the United States attorneys for the District of Columbia and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 52 cases of canned peas at Washington, D. C., and 180 cases of canned peas at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 19 and March 20, 1937, by the H. J. McGrath Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Swan Brand Early June Peas [or "McGrath's Early June Peas \* \* \* Champion Brand"] \* \* \* The H. J. McGrath Co. Baltimore, Md. Distributors."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agri-

culture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On May 25, 1937, the H. J. McGrath Co. having appeared as claimant for the lot seized at Boston, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered ordering that the product be released to the claimant under bond conditioned that it be properly relabeled. On June 16, 1937, no claim having been entered for the lot seized at Washington, D. C., judgment was entered condemning said lot and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27604. Adulteration of butter. U. S. v. Land O'Hills Creamery, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 39468. Sample No. SS48-C.)**

This product contained less than 80 percent of milk fat.

On June 28, 1937, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Land O'Hills Creamery, Inc., Buckhannon, W. Va., alleging shipment by said company in violation of the Food and Drugs Act on or about January 2, 1937, from the State of West Virginia into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

On June 29, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27605. Adulteration of canned cherries. U. S. v. Starr Fruit Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 39445. Sample No. 24112-C.)**

Samples of this product were found to contain maggots.

On May 26, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Starr Fruit Products Co., a corporation, Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 25, 1936, and in part on or about October 9, 1936, from the State of Oregon into the State of Idaho of quantities of canned cherries which were adulterated. The article was labeled in part: (Can) "Porto Standard \* \* \* Red Sour Pitted Cherries Packed for Mason Ehrman & Co. Main Office Portland Oregon."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On June 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27606. Adulteration of canned tomatoes. U. S. v. 123 Cartons of Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 39247. Sample Nos. 20105-C, 20160-C.)**

Samples of this product were found to contain maggots.

On March 22, 1937, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cartons of tomatoes at Laconia, N. H., alleging that the article had been shipped in interstate commerce on or about October 9, 1936, by A. W. Sisk & Son from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Pine Cone Brand Tomatoes \* \* \* Albert W. Sisk & Son Distributors Preston and Aberdeen Maryland."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27607. Adulteration of dried prunes. U. S. v. 300 Boxes of Prunes. Default decree of condemnation and destruction. (F. & D. No. 39253. Sample No. 29578-C.)**

This product was in part decomposed.

On March 29, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 boxes of prunes at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about March 11, 1937, by the North Pacific Cooperative Prune Exchange from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prunes Roundup Grocery Spokane Wn."

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed prunes.

On July 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27608. Adulteration of canned prunes. U. S. v. 116 Cases of Prunes. Default decree of condemnation and destruction. (F. & D. No. 39254. Sample No. 36144-C.)**

This product was in whole or in part decomposed.

On April 5, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 cases of canned prunes at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about January 12, 1937, from Yakima, Wash., by the California Packing Corporation, and charging adulteration in violation of the Food and Drugs Act. (The product was packed by the Oregon Fruit Products Co., Salem, Oreg.) It was labeled in part: (Cans) "Valley Home Brand Blue Plums (Prunes) Distributed by the branches of Nash-Finch Co. Minneapolis, Minn."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27609. Misbranding of salad oil. U. S. v. 25 Cartons of Marca San Giovanni Olio Puro. Default decree of condemnation and sale. (F. & D. No. 39262. Sample No. 17676-C.)**

This product was labeled to create the impression that it was olive oil of Italian origin, whereas it consisted chiefly of soybean oil and a small proportion of cottonseed oil.

On March 24, 1937, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of salad oil at San Juan, P. R., alleging that the article had been shipped on or about January 21, 1937, by Durkee Famous Foods from Elmhurst, Long Island, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged to be misbranded in that the statements on the label, "Marca San Giovanni Olio Puro" and "Olio Raccomandato per Insalata Cucina a Qualsiasi Altro Uso De Tavola," were false and misleading and tended to deceive and mislead the purchaser, since they gave the impression that it was olive oil of Italian origin; whereas it consisted chiefly of soybean oil with a small amount of cottonseed oil.

On July 15, 1937, no claimant having appeared, judgment of condemnation was entered. On July 19, 1937, the decree was amended to permit the marshal to sell the goods under a proper label.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27610. Adulteration of canned tomato puree. U. S. v. 100 Cases and 53 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. Nos. 39266, 39267. Sample Nos. 32473-C, 32719-C.)**

This product contained filth resulting from worm infestation.

On March 24, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 cases of tomato puree at Seattle, Wash., alleging that 100 cases of the article had been shipped

in interstate commerce on or about January 22, 1937, from Fullerton, Calif., by Val Vita Food Products, Inc., and that 53 cases had been shipped on or about February 10, 1937, from Wilmington, Calif., by the Empire Freight Co. (both lots were packed by Val Vita Food Products, Inc.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Expo Brand Tomato Puree Packed for National Grocery Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27611. Adulteration of canned huckleberries. U. S. v. 26 Cases of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 39270. Sample No. 36145-C.)**

Samples of this product were found to contain worms.

On April 6, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of canned huckleberries at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about February 12, 1937, by the Seattle Transfer & Storage Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Household Brand Huckleberries \* \* \* Olympia Canning Company Olympia Washington."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27612. Adulteration of wild raspberry jam. U. S. v. 62 Drums of Wild Raspberry Jam. Consent decree of condemnation and destruction. (F. & D. No. 39275. Sample No. 20229-C.)**

Samples of this product were found to be decomposed and to contain worms.

On March 25, 1937, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 drums, each containing 175 pounds of wild raspberry jam, at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about September 2, 1936, by the H. A. Johnson Co. from Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Johnson's Wild Raspberry Jam \* \* \* H. A. Johnson Co. Boston New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 29, 1937, the H. A. Johnson Co., claimant, having withdrawn its claim and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27613. Adulteration of canned salmon. U. S. v. 162 Cases and 91 Cases of Unlabeled Cans of Red Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 39284. Sample Nos. 10643-C, 28074-C, 38731-C, 38732-C.)**

This product was in part decomposed.

On March 26, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 cases of salmon at Alameda, Calif., alleging that the article had been shipped by the Alaska Packers Association from Bristol Bay, Alaska, arriving at Alameda on or about August 22, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 8, 1937, the Alaska Packers Association, having appeared as claimant, judgment of condemnation was entered ordering that the product be released to claimant under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27614. Adulteration of tomato paste. U. S. v. 106 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 39274. Sample No. 20547-C.)**

This product contained excessive mold.

On March 25, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 cases of tomato paste at Chicopee, Mass., alleging that the article had been shipped in interstate commerce in various shipments on or about December 28, 1936, January 15, and February 3, 1937, by the Canandaigua Juice Co. from Canandaigua, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Made from Whole Tomatoes Tomato Paste with sweet basil \* \* \* Packed by Canandaigua Juice Co. Canandaigua, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27615. Adulteration of tomato pulp. U. S. v. 1,000 Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. No. 39285. Sample No. 13587-C.)**

This product contained filth resulting from worm infestation.

On March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cans of tomato pulp at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 11, 1937, by the M. & R. Canning Co. from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27616. Adulteration of frozen whole eggs. U. S. v. 16 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. & D. No. 39322. Sample No. 36000-C.)**

This product was decomposed.

On April 3, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cans of frozen eggs at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about January 12, 1937, by the Poultry Producers of Central California from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of decomposed animal substances.

On June 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27617. Adulteration and misbranding of olive oil. U. S. v. Forty-six 1-Gallon Cans, et al., of Olive Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 39359. Sample Nos. 27637-C, 27638-C, 27639-C.)**

This product was represented to be olive oil of Italian origin; whereas it consisted chiefly of sesame oil with little or no olive oil, and contained artificial flavor.

On March 24, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 gallon cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about March 24, 1937, by Joseph Magistrale from the Bronx, New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that sesame oil had been mixed and packed with it so as to reduce or lower its quality; in that sesame oil had

been substituted in whole or in part for olive oil, which it purported to be, and in that it had been mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements were false and misleading and deceived and misled the purchaser when applied to an article containing sesame oil with little or no olive oil: (Italia brand) "Superfine Olive Oil Imported Italia \* \* \* [design of olive branches and olives, design of Italian flag] Lucca Italia Premiato in Tutte le Esposizioni Europee \* \* \* First Pressing Cream Olive Oil Recommended highly for table and medicinal use, Imported from Italy"; (Pulceilla brand) "Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy [designs of olive branches and olives] \* \* \* Garantito Puro Olio d'Oliva Extra Fino Importato Lucca Italia Prodotti Italiani We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes—Garantiamo il nostro olio estratto da olive scelte assolutamente puro sotto qualsiasi analisi chimica insuperabile come olio da tavola ed eccellente per uso medicinale \* \* \* Imported from Italy"; (Lucca brand) "Italian Product Virgin Olive Oil Imported Superfine \* \* \* Lucca [designs of olive branches and olives] Prodotto Italiano Vergine Olio d'Oliva Importato \* \* \* Sopraffino Lucca Garanzia della qualita Questo olio d'Oliva importato è garantito assolutamente puro sotto analisi chimica. This imported olive oil is guaranteed to be absolutely pure under chemical analysis. Finest Quality Imported From Italy." Misbranding was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, olive oil.

On June 24, 1937, no claimant having appeared, judgment was entered ordering that the product be distributed to charitable institutions, after the labels had been removed or the containers had been destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27618. Adulteration of raisins. U. S. v. 25 Boxes of Raisins. Default decree of condemnation and destruction. (F. & D. No. 39371. Sample Nos. 32749-C, 32760-C.)**

This product was contaminated with hydrocyanic acid and also was wormy.

On April 13, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 27, 1936, by Rosenberg Bros. & Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pennant Brand \* \* \* Clusters Packed by California Packing Corporation."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health; and in that it consisted wholly or in part of a filthy vegetable substance.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27619. Adulteration of canned cherries. U. S. v. 74 Cases of Cherries. Default decree of condemnation and destruction. (F. & D. No. 39375. Sample No. 32844-C.)**

Samples of this product were found to contain maggots.

On April 13, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 31, 1937, by Western Oregon Packing Corporation from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Everfresh Packed in Water Red Sour Pitted Cherries \* \* \* Packed For James Fenwick Co. Portland, Ore."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27620. Adulteration of dried codfish. U. S. v. 8½ Cases of Codfish. Default decree of condemnation and destruction.** (F. & D. No. 39398. Sample No. 1129-C.)

This product was in whole or in part decomposed.

On April 27, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight and one-fourth cases of codfish at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about June 16, 1936, by the North Star Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "North Star Boned Dry Cured Alaska Cod. Bering Sea Distributed by North Star Company Seattle."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27621. Adulteration of raisins. U. S. v. 53 Boxes of Raisins. Default decree of condemnation and destruction.** (F. & D. No. 39402. Sample No. 81994-C.)

This product was insect-infested.

On April 20, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 boxes of raisins at Washington, D. C., alleging that the article had been shipped on or about August 20, 1936, by Wm. A. Camp Co., Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Seedless Raisins \* \* \* Sun-Maid Raisin Growers of California \* \* \* Fresno, California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27622. Adulteration of shell eggs. U. S. v. 48 Cases of Shell Eggs. Default decree of condemnation and destruction.** (F. & D. No. 39408. Sample No. 14586-C.)

This product was in whole or in part decomposed.

On April 10, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of shell eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1937, by M. Klayman from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 7, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27623. Adulteration of shell eggs. U. S. v. 139 Cases of Shell Eggs. Default decree of condemnation and destruction.** (F. & D. No. 39409. Sample No. 14587-C.)

This product was in whole or in part decomposed.

On April 10, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 cases of shell eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 5, 1937, by Louis Klayman from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27624. Adulteration of canned tomato puree. U. S. v. 913 Cases and 996 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. Nos. 39422, 39431. Sample Nos. 33260-C, 33261-C.)

This product contained excessive mold.

On April 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,909 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 10 and March 31, 1937, by the Oconomowac Canning Co. from Sun Prairie, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Barco Brand Tomato Puree Distributors B. A. Railton Co. Chicago."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**27625. Adulteration of bran. U. S. v. 217 Sacks of Bran. Default decree of condemnation and destruction.** (F. & D. No. 39647. Sample No. 26562-C.)

This product was decomposed, discolored, caked, and moldy.

On May 24, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 217 sacks of bran at Woodhaven, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Millville, N. Y., by P. A. Barry, of Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**27626. Adulteration and misbranding of Beats All Punch-Ade and fruit-flavored sirups. U. S. v. 202 Bottles of Punch-Ade, et al. Default decrees of condemnation and destruction.** (F. & D. Nos. 39871, 39872, 39887 to 39893, incl. Sample Nos. 35216-C to 35222-C, incl., 37936-C, 37937-C.)

These products were labeled to convey the impression that they could be used as bases for fruitade. Examination showed that they were artificially colored acid solutions containing little or no fruit juices, and that some contained artificial flavor and others contained citrus-oil flavor. Certain lots were short in volume.

On June 17 and June 22, 1937, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 cartons of Punch-Ade and 65 cartons of fruit-flavored syrup at Newark, N. J., and 202 bottles of Punch-Ade at Philadelphia, Pa., consigned by Snow Crest, Inc., alleging that the articles had been shipped in interstate commerce on or about March 31 and May 3, 1937, from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The Punch-Ade was labeled in part: "Beats All Punch-Ade Cherry [or "Grape," "Lemon," "Lemon-Lime," "Orange," "Raspberry," or "Strawberry"] Flavor \* \* \* Snow Crest, Salem, Mass." The remaining products were labeled in part: "Snow Crest Grape [or "Punch," "Raspberry," "Cherry," "Strawberry," "Lemon & Lime," or "Orange"] A pure fruit flavored syrup \* \* \* Snow Crest Inc. Salem, Mass."

The various types of Punch-Ade were alleged to be adulterated in that artificially colored acid solutions and artificial flavors or citrus oil flavors containing little or no fruit juices, had been substituted wholly or in part for the articles. The fruit-flavored sirups were alleged to be adulterated in that artificially colored sirups containing acid, artificial flavors or citrus oil flavors and little or no fruit juices, had been substituted wholly or in part for the articles. All were alleged to be adulterated further in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser

when applied to articles that contained little or no fruit juice: (Punch-Ade) "Punch-Ade \* \* \* Cherry [or "Grape," "Lemon," "Lemon-Lime," "Orange," "Raspberry," or "Strawberry"] Flavor"; (sirups) "Grape [or "Punch," "Raspberry," "Cherry," "Strawberry," "Lemon & Lime," or "Orange"] \* \* \* Pure Fruit Flavored." The syrup and a part of the Punch-Ade were alleged to be misbranded further in that they were imitations of other articles. Portions of the orange and raspberry Punch-Ade were alleged to be misbranded further in that the statement "Contents 3 Fl. Oz." on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was short in volume, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since said statement was incorrect.

On July 21 and August 4, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27627. Adulteration of maple sirup. U. S. v. 70 Drums of Maple Syrup. Decree ordering release of product under bond conditioned that it be de-leaded. (F. & D. No. 39885. Sample No. 21135-C.)**

This product contained lead in an amount which might have rendered it injurious to health.

On July 21, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 drums of maple sirup at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce on or about May 11, 1937, by A. B. Brown from Cincinnatus, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 4, 1937, Earl J. Rogers, Cabot, Vt., having appeared as claimant and having admitted the allegation of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded under the supervision of this Department, in order to remove the deleterious ingredient.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27628. Adulteration of dried figs. U. S. v. 393 Bags of Dried Figs. Consent decree of condemnation. Product released under bond to be disposed of for hog feed. (F. & D. No. 39894. Sample No. 31435-C.)**

This product was moldy, sour, and insect-infested.

On June 23, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 bags of figs at Cincinnati, Ohio, consigned on or about March 15, 1937, alleging that the article had been shipped in interstate commerce by Rosenberg Bros. & Co. from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 20, 1937, Edward T. Klum & Son, Cincinnati, claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be used for hog feed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27629. Adulteration of apple butter. U. S. v. 16 Cases, 19 Cases, and 28 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. & D. Nos. 39898, 39899, 39900. Sample No. 30787-C.)**

This product contained filth resulting from worm and insect infestation.

On July 1, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 63 cases of apple butter at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 24, 1936, by Libby, McNeill & Libby from Manzanola, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans and jars) "Libby's Apple Butter \* \* \* Libby McNeill and Libby Chicago."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 6, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27630. Adulteration of canned sardines. U. S. v. 1,030 Cases of Sardines. Default decree of condemnation. Product released under bond. (F. & D. No. 39903. Sample No. 43706-C.)**

This product was in part decomposed.

On or about June 29, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,030 cases of sardines at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about May 13, 1937, by the Sunset Packing Co. from Pembroke, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sunco Brand American Sardines."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 30, 1937, the Sunset Packing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27631. Adulteration of whitefish. U. S. v. 3 Boxes of Whitefish. Default decree of condemnation and destruction. (F. & D. No. 39903. Sample No. 26572-C.)**

This product was infested with parasitic worms.

On June 10, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of whitefish at New York, N. Y., alleging that the article had been shipped by H. Meyer from Montreal, Canada, to New York, N. Y., on or about June 8, 1937, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Products of Canada."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On June 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27632. Adulteration and misbranding of butter. U. S. v. One Can of Butter. Default decree of condemnation and destruction. (F. & D. No. 39909. Sample No. 31644-C.)**

This product contained less than 80 percent of milk fat.

On June 11, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, consigned on or about June 9, 1937, alleging that the article had been shipped in interstate commerce by Lee House from Crawford, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27633. Adulteration and misbranding of butter. U. S. v. 16 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. No. 39910. Sample No. 37070-C.)**

This product was deficient in butterfat.

On June 14, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 pounds of butter at Cin-

cinnati, Ohio, consigned on or about June 10, 1937, alleging that the article had been shipped in interstate commerce by H. B. Gevedon from Panama, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27634. Adulteration and misbranding of lemon cocktail mixer. U. S. v. 79 Gallons, 39 Gallons, and 127 Gallons of Lemon Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. Nos. 39918, 39919, 39936. Sample Nos. 35223-C, 35224-C, 56103-C.)**

This product was labeled to convey the impression that it could be used as a base for fruitade. It consisted, however, of a mixture of water, artificial color, lemon oil flavor, and citric acid, containing little or no lemon juice. The label of a portion failed to bear a statement of the quantity of contents of the containers.

On June 26 and July 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 gallons of cocktail mixer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 2 and 7, 1937, by the Elby Extract Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was labeled variously: "Collins & Rickey Brand Lemon Cocktail Mixer \* \* \* Packed Especially For Home Products Co. \* \* \* Philadelphia, Pa.;" "Corona Lemon Cocktail Mixer \* \* \* Packed Especially for Corona Food Products Co. Philadelphia, Pa.";" "Spatola Brand Lemon Cocktail Mixer \* \* \* Packed expressly for Felix Spatola & Sons Philadelphia, Pa."

It was alleged to be adulterated in that an artificially colored mixture of water, lemon oil flavor, and citric acid had been substituted wholly or in part for the article; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article consisting essentially of water, artificial color, lemon oil flavor, and citric acid, with little or no lemon juice" (Collins & Rickey, and Spatola brands) "Lemon, (Corona brand) "Lemon \* \* \* 2 tablespoons of Lemon Mixer produces the flavor and the tartness of one average lemon"; and in that the article was an imitation of another article. The Corona brand was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On July 21, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27635. Adulteration and misbranding of tomato juice. U. S. v. 51 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. No. 39922. Sample No. 41235-C.)**

This product contained added water.

On June 26, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases of canned tomato juice at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about May 13, 1937, by Varney Canning, Inc., from Roy, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Leota Brand Tomato Juice. \* \* \* Varney Canning Inc. Roy, Utah.

It was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted wholly or in part for tomato juice, which it purported to be.

The article was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing added water.

On August 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27636. Adulteration and misbranding of egg noodles. U. S. v. 192 Cases, 257 Cases, and 70 Cases of Egg Noodles. Default decree of condemnation. Product delivered to a welfare organization. (F. & D. Nos. 39927, 39928, 39929. Sample Nos. 27064-C, 27065-C, 27066-C.)**

This product was colored with annatto.

On June 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 519 cases of noodles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1937, by V. Viviano & Bros. from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bags) "DeLuxe Supreme Quality \* \* \* V. Viviano & Bros. Macaroni Mfg. Co., Inc. Pure Egg Noodles Made With Fresh Egg Yolks."

It was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Pure Egg Noodles Made with Fresh Egg Yolks" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was colored with annatto.

On July 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27637. Misbranding of honey. U. S. v. 87 Cases of Honey. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39955. Sample Nos. 43948-C, 44115-C.)**

This product was short of the declared weight.

On July 9, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of honey at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 24, 1937, by Whitefield Citrus Products Corporation, from Bradenton, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "Florida Sunsealed Pure Honey Net Contents 1 Pound 2 Ozs. Florida Sunsealed Products Corp. Bradenton, Florida."

The article was alleged to be misbranded in that the statement "Net Contents 1 Pound 2 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 31, 1937, Southern Grocery Stores, Inc., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to claimant under bond conditioned that it be relabeled to show the correct weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27638. Adulteration and misbranding of Grape and Cherry True Fruit Flavors. U. S. v. 47 Cases of True Fruit Flavors. Default decree of condemnation and destruction. (F. & D. No. 39930. Sample Nos. 20881-C, 20882-C.)**

These products were represented to be true fruit flavors; whereas they were artificially colored acid solutions containing artificial flavor, and little or no fruit juices.

On July 3, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases, each containing—among other products—a number of bottles of Grape and Cherry True Fruit Flavors, at Providence, R. I., alleging that the articles had been shipped in interstate com-

merce on or about June 2, 1937, by the Highland Importing Co. from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "Polar Bear True Fruit Flavor Cherry [or "Grape"] Contains True Fruit Flavor, Natural Fruit Acid \* \* \* Highland Importing Co., Boston, Mass."

They were alleged to be adulterated in that artificially colored acid solutions and artificial flavor containing little or no fruit juices had been substituted wholly or in part for cherry or grape true fruit flavors, which they purported to be; and in that they were mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser, "True fruit flavor Cherry [or "Grape"] \* \* \* True Fruit Flavors"; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, cherry or grape true fruit flavors.

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27639. Adulteration and misbranding of lemon cocktail mixer. U. S. v. 59 Jugs of Lemon Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 39935. Sample No. 56104-C.)**

This product was labeled to convey the impression that it could be used as a base for fruitade. Examination showed that it consisted essentially of water, artificial color, lemon oil flavor, and citric acid, with little or no lemon juice.

On July 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 gallon jugs of lemon cocktail mixer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1937, by the California Fruit Products Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part as follows: "Spatola Brand Lemon Cocktail Mixer 2 Tablespoonsful equivalent to the juice of one lemon. Packed for Felix Spatola & Sons Philadelphia."

It was alleged to be adulterated in that an artificially colored mixture of water, lemon oil flavor, and citric acid containing little or no lemon juice, had been substituted wholly or in part for the article; and in that it had been mixed and colored in a manner whereby its inferiority was concealed.

It was alleged to be misbranded in that the statement, "Lemon \* \* \* 2 Tablespoonsful equivalent to the juice of one lemon," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting essentially of water, artificially colored, lemon oil flavor, and citric acid, with little or no lemon juice; and in that it was an imitation of another article.

On July 21, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27640. Adulteration of prunes. U. S. v. 694 Bags of Dried Prunes. Consent decree of condemnation. Product released under bond for sorting and destruction of unfit portion. (F. & D. No. 39951. Sample No. 26299-C.)**

This product was in part insect-infested and decomposed.

On July 7, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 694 bags of dried prunes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about April 15, 1937, by Jack Gomperts Co. from Santa Clara, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 23, 1937, the D. B. Scully Syrup Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the court ordered the product released under bond conditioned that it be cleaned and sorted and all unfit portions destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27641. Adulteration of canned tuna. U. S. v. 260 Cases, et al., of Tuna. Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. Nos. 39920, 39923, 39961. Sample Nos. 41243-C, 41244-C, 41247-C.)**

Samples of this product were found to be decomposed.

On June 28, June 30, and July 9, 1937, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 848 cases of canned tuna at Denver, Colo., consigned by the Van Camp Sea Food Co., Inc., alleging that the article had been shipped in interstate commerce, in part from Terminal Island, Los Angeles, Calif., on or about March 27, and in part from San Diego, Calif., on or about May 11, 1937, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Cans) "Chicken of the Sea Brand Select Tuna." The remainder was labeled: "Blue and White Brand Pacific Ocean Light Meat Tuna \* \* \* Red and White Corp'n Distributors Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 31, 1937, Van Camp Sea Food Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released to the claimant under bond, conditioned that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27642. Misbranding of canned peas. U. S. v. 33 Cases of Peas. Default decree of condemnation. (F. & D. No. 39964. Sample No. 42131-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 27, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of canned peas at Washington, D. C., alleging that the article had been shipped on or about March 4, 1937, by D. E. Foote & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Early June Peas Packed by D. E. Foote & Co. Incorporated. Baltimore, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 19, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be disposed of in such manner as would not violate the provisions of law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27643. Adulteration and misbranding of butter. U. S. v. One Can of Butter. Default decree of condemnation and destruction. (F. & D. No. 40000. Sample No. 31650-C.)**

This product contained less than 80 percent of milk fat.

On June 23, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, consigned on or about June 19, 1937, alleging that it had been shipped in interstate commerce by Curtis & McComas from Glasgow, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

It was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27644. Adulteration of butter.** **U. S. v. 75 Cubes and 22 Cubes of Butter.** **Consolidated decree of condemnation.** **Product released under bond to be reworked.** (F. & D. Nos. 40001, 40002. Sample Nos. 49318-C, 49408-C.)

This product was deficient in milk fat.

On June 25, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cubes of butter at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about June 7 and June 16, 1937, by the McAlester Ice Cream Co. from McAlester, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

On July 7, 1937, Dauber Bros., claimant, Chicago, Ill., having admitted the allegations of the libels, a consolidated decree of condemnation was entered ordering that the product be released to claimant under bond, conditioned that it be reworked and brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27645. Adulteration of crab meat.** **U. S. v. Twenty-five 1-pound Cans of Crab Meat (and 3 other seizure actions).** **Default decrees of condemnation and destruction.** (F. & D. Nos. 40092, 40210, 40211, 40237. Sample Nos. 47068-C, 47069-C, 67439-C, 67487-C.)

These cases involved crab meat that contained filth.

On August 5, 19, and 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 243 pounds of crab meat at Philadelphia, Pa., alleging that it had been shipped in interstate commerce in various shipments on or about August 2, 16, and 22, 1937, by Harrison & Jarboe from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 30, September 10, and 18, 1937, no claimant having appeared, judgments of condemnation were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27646. Adulteration of cream.** **U. S. v. Two 10-Gallon Cans of Cream (and 4 other seizure actions).** **Decrees of condemnation and destruction.** (F. & D. Nos. 40216 to 40220, incl. Sample Nos. 47823-C to 47829-C, incl., 47832-C to 47834-C, incl., 47837-C.)

Samples of this product were found to be decomposed or filthy, or both.

On July 12, 1937, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 10-gallon cans of cream at Portales, N. Mex., and one 10-gallon can and nine 5-gallon cans of cream at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce between the dates of June 26 and July 2, 1937, in various shipments by Consumers Fuel Association, Bovina, and Lariat, Tex.; I. Taylor, Muleshoe, Tex.; J. M. Hudson, Throckmorton, Tex.; O. T. Allison, Bronte, Tex.; G. Synastehk, Midland, Tex.; F. C. Hamilton, Bowie, Tex.; H. C. King, Throckmorton, Tex.; A. L. Barnes, Roby, Tex.; W. H. Kistler, Muleshoe, Tex.; M. P. Page, Shallowater, Tex.; H. W. Dykes, Sudan, Tex.; C. R. Fryar, Midland, Tex.; R. S. Ford, Farwell, Tex.; P. J. Tate, Dimmitt, Tex.; John Lange, Nazareth, Tex.; E. L. Thompson, Abernathy and Nazareth, Tex.; O. V. Pylant, Lockley, Tex.; H. H. Dent, Spring Lake, Tex.; H. E. Baker, Stegall, Tex.; L. M. Thompson, Dimmitt, Tex.; H. Patterson, Olton, Tex.; and H. N. Wagonner, Dimmitt, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On July 13, 1937, no claim having been entered for the product, judgments were entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27647. Adulteration of cream. U. S. v. One 5-Gallon Can and Three 10-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. Nos. 40356, 40357, 40370. Sample Nos. 46644-C to 46646-C, incl.)**

This product was found to be in various stages of decomposition.

On September 16 and September 20, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 cans of cream at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce on or about September 14, 15, and 16, 1937, in various shipments by Clarence Duvill, Gaithersburg, Md.; J. F. Fisher & Son, Barnesville, Md.; G. P. Moreland, Paw Paw, W. Va.; I. G. Ellyson, Weston, W. Va.; Roy Rose, Clarington, Ohio; B. M. Furr, Marshall, Va.; M. K. Bowers, Charles Town, W. Va.; Walter Johnson, Strasburg, Va.; Roy H. Baker, Frederick, Md.; L. R. Mason, Brunswick, Md.; W. L. Paylor, Hancock, W. Va.; and N. E. Klipstein, Culpeper, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 16 and 20, 1937, the consignee having consented to the entry of decrees, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27648. Adulteration of cream. U. S. v. One 10-Gallon and One 5-Gallon Can of Cream (and 7 other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 40395 to 40402, incl. Sample Nos. 39778-C to 39781-C, incl., 39783-C, 39785-C, 39786-C, 39789-C.)**

This product was found to be decomposed or filthy, or both.

On August 4 and 10, 1937, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of five 10-gallon cans and eight 5-gallon cans of cream at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about July 31, August 1, 2, and 3, 1937, in various shipments by W. A. Crist, Richfield, Idaho; C. E. Reeder, Lima, Mont.; Oliver Sprague, Overton, Nev.; Arch Jones, Darlington, Idaho; Letha Proper, Placerville, Colo.; B. F. Mathews, Blaine, Idaho; South Bros. Dairy, Malad, Idaho; H. D. Johnson, Gooding, Idaho; S. E. Gregg, Burley, Idaho; A. J. Sharp, Caliente, Nev.; Louis Smith, Robertson, Wyo.; Claude Waters, Squirrel via Drummond, Idaho; and Archie Miller, Lava Hot Springs, Idaho, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was filthy, yeasty, moldy, cheesy, putrid, rancid, and decomposed.

On August 4 and 10, 1937, the consignees having admitted the allegations of the libels and consented to the entry of decrees, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27649. Conspiracy to violate the Food and Drugs Act. U. S. v. Wecoline Products, Inc., Setrak Kalustian, Antonio Accardi, James Goltzos, Paul B. Booras, Nicholas Alessi, Ernest F. Drew, E. Lionel Parrott, and Albert J. Knox. Pleas of guilty by Setrak Kalustian and Nicholas Alessi. Each fined \$1,000. Plea of guilty by Paul B. Booras; defendant sentenced to be imprisoned for 1 year and a day; sentence suspended and defendant placed on probation for 1 year. *Nolle prosequi* entered as to Wecoline Products, Inc., Ernest F. Drew, E. Lionel Parrott, Albert J. Knox, Antonio Accardi, and James Goltzos. (Con. No. 110.)**

On January 28, 1937, the grand jurors of the United States for the District of Massachusetts returned an indictment against the Wecoline Products, Inc., a corporation organized under the laws of Delaware and having a place of business at New York, N. Y.; Setrak Kalustian, alias Samuel Kalustian, and Antonio Accardi, of Boston, Mass.; James Goltzos, of Providence, R. I.; Paul B. Booras, of Lynn, Mass.; Nicholas Alessi, Ernest F. Drew, and E. Lionel Parrott, of New York, N. Y.; and Albert J. Knox, of Boonton, N. J., charging that beginning on or about June 1, 1935, at Boston, Mass., New York, N. Y., and at divers other places, the defendants willfully, knowingly, and unlawfully did conspire, combine, confederate, and agree together to violate the Federal Food and Drugs Act in that it was the purpose and object of the conspiracy and of the conspirators to introduce for shipment and to ship or deliver for shipment in interstate commerce certain quantities of olive oil which was adulterated with tea-seed oil; and that the conspiracy continued until the date of the indictment.

The indictment charged that in pursuance of the conspiracy and to effect the objects thereof the Wecoline Products, Inc., on or about November 14, 1935, purchased and took delivery of 38 empty olive oil drums embossed "Made in Germany Pure Olive Oil CEE"; that Setrak Kalustian on or about August 6, 1935, delivered or caused to be delivered to Antonio Accardi at Boston, Mass., one drum of tea-seed oil under the brand "X—50 oil"; that Antonio Accardi on or about November 8, 1935, shipped from Boston, Mass., to Portland, Maine, five cases, each containing six gallon cans of a product labeled in part, (front and back panels) "Pure Olio Vergine D'Oliva Lola Brand [designs] Lucca Italy Olio Pure d'Oliva Sublime," (side panels, one in English and the other containing similar statements in Italian) "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated oil or oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law. A. Accardi Distributor"; (in large type across face of can) "Extra I"; (top of can) "Imported from Italy," which product was adulterated in violation of the Food and Drugs Act in that tea-seed oil had been substituted in part for olive oil, which the article purported to be; that James Goltsofs, on or about November 10, 1935, received at Providence, R. I., two drums of tea-seed oil under the brand "Wecoline Oil" from Wecoline Products, Inc.; that Paul B. Booras on or about September 14, 1936, purchased and arranged for the shipment and acceptance of 10 drums of tea-seed oil under the brand "Wecoline Oil" from Wecoline Products, Inc.; that Nicholas Alessi, on or about October 1, 1935, solicited an order for the purchase of tea-seed oil under the brand "Wecoline Oil"; that Ernest F. Drew, on or about October 12, 1935, sold and arranged for the shipment of 25 drums of tea-seed oil under the brand "Wecoline Oil" to Cosmos Food Stores, Inc., at Lynn, Mass.; that E. Lionel Parrott on or about November 25, 1935, sold and arranged for shipment and delivery of 15 drums of tea-seed oil under the brand "Wecoline Oil" to Cosmos Food Stores, Inc. at Lynn, Mass.

On August 24, 1937, Setrak Kalustian entered a plea of guilty and was fined \$1,000. On September 13, 1937, Nicholas Alessi entered a plea of guilty and was fined \$1,000, and on the same date nolle prosequi was entered as to Wecoline Products, Inc., Ernest F. Drew, E. Lionel Parrott, and Albert J. Knox. On September 28, 1937, Paul B. Booras having theretofore entered a plea of guilty, was sentenced to imprisonment for 1 year and a day. The sentence of defendant Booras was suspended and he was placed on probation for 1 year. On October 8, 1937, nolle prosequi was entered as to Antonio Accardi and James Goltsofs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27650. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Portion of product condemned and destroyed. Remainder released. (F & D No. 39196. Sample No. 21728-C.)**

This product was in part decomposed.

On March 16, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of canned salmon at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by Wesco Foods Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "North Bay Brand Pink Salmon Distributed by Wesco Foods Co. General Offices Cincinnati, Ohio."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 19, 1937, the Ocean Packing Co., Seattle, Wash., claimant, having petitioned the court for permission to open the cases and segregate the cans according to codes, an order was entered granting such petition. On August 16, 1937, the claimant having filed an answer admitting the allegations of the libel insofar as certain codes were concerned, judgment was entered condemning and ordering destruction of said codes, which embraced 227 cases and 87 cans of the product. The remainder was ordered released.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27651. Adulteration of Dicapho Citrate Soluble Calcium and Phosphorus.** U. S. v. 200 Sacks, more or less, of Dicapho Citrate Soluble Calcium and Phosphorus. Default decree of condemnation. Product disposed of for fertilizer material. (F. & D. No. 31065. Sample No. 39193-A.)

This product contained arsenic, lead, and fluorine in amounts which might have rendered it injurious to health.

On September 11, 1933, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of the above-described product at Atlanta, Ga. The libel alleged that the article had been shipped in interstate commerce on or about July 26, 1933, by the Myles Salt Co., Ltd., from Weeks Island, La., and that it was adulterated in violation of the Food and Drugs Act. On February 6, 1935, the libel was amended. It was labeled in part: "Dicapho \* \* \* Manufactured by Bay Chemical Co., Inc. (Subsidiary Myles Salt Co., Ltd.) \* \* \* New Orleans, La."

The libel as amended alleged that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, lead, and fluorine, which might have rendered it injurious to health.

On February 24, 1937, the claim and intervention of the Bay Chemical Co. having been dismissed and the cause being in default, judgment of condemnation was entered and it was ordered that the product be relabeled to show that it was unfit for food purposes, and that it be sold by the marshal for fertilizer material.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27652. Adulteration of tomato paste.** U. S. v. 355 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 35476. Sample No. 13075-B.)

This product contained filth resulting from the use of worm- and insect-infested fruit.

On May 10, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 355 cases of tomato paste at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about April 5, 1935, by Howard Terminal from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Paradise Brand Tomato Paste, \* \* \* Packed by Bisceglia Brothers Canning Co. Main Offices & Packing Plant, San Jose, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 12, 1937, the answer of Bisceglia Bros. Canning Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27653. Adulteration of canned salmon.** U. S. v. 5,336 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 36448. Sample Nos. 13201-B, 13203-B, 26744-B, 26746-B.)

This case involved canned salmon which was in part decomposed.

On September 30, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14,431 cases of canned salmon (subsequently amended to read 5,336 cases) at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 5, 1935, by the Alaska Packers Association from Naknek, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

On April 10, 1937, the Alaska Packers Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27654. Adulteration and misbranding of olive oil. U. S. v. 49 Cases of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 37437. Sample No. 65657-B.)**

This product was adulterated with tea-seed oil.

On March 25, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases, each containing 24 jugs of alleged olive oil, at Worcester, Mass.

On July 20, 1936, upon motion by the United States attorney, the libel was amended. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about July 17 and October 12, 1935, by the De Luca Olive Oil Co., Inc., from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Jug) "Pure Imported Olive Oil \* \* \* Distributed by Nation-Wide Service Grocers."

It was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality and in that tea-seed oil had been substituted in whole or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statement borne on the label was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil, "Pure Imported Olive Oil." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, "Olive Oil."

On September 14, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27655. Adulteration of maple sugar. U. S. v. 15 Bags of Maple Sugar. Product released under bond conditioned that all injurious ingredients be removed. (F. & D. No. 87847. Sample No. 63501-B.)**

This product contained excessive lead.

On July 3, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bags of maple sugar at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 22, 1936, by the American Maple Products Corporation from St. Albans, Vt., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From American Maple Products Corp. St. Albans Vermont."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On July 9, 1937, the Jersey Ice Cream Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it be deleaded.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27656. Adulteration of butter. U. S. v. Colfax Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 38039. Sample No. 63377-B.)**

Samples of this product were found to contain broken glass.

On October 21, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Colfax Cooperative Creamery Co., a corporation, Colfax, Wis., alleging shipment by said company in violation of the Food and Drugs Act on or about May 1 and May 15, 1936, from the State of Wisconsin into the State of Massachusetts of quantities of butter that was adulterated.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, namely, broken glass, which might have rendered it injurious to health.

On February 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27657. Adulteration of canned salmon.** U. S. v. 57 Cases and 792 Cases of Canned Salmon (and five other seizure actions against the same product. Decrees of condemnation. Product released under bond. (F. & D. Nos. 38285, 38318, 38338, 38443, 39220, 39902. Sample Nos. 4003-C, 4005-C, 4008-C, 4012-C, 4017-C, 4020-C, 4022-C, 4326-C, 4420-C, 10743-C, 10745-C, 10746-C, 35580-C, 35631-C, 35686-C, 35687-C.)

This product was in part decomposed.

On September 11, 17, and 22, October 20, 1936, March 15, and June 23, 1937, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,616 cases of canned salmon at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by the Red Salmon Canning Co. in part from Naknek, Alaska, and in part from Bristol Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled: (Cans) "Deep Sea Brand [or "Pirate Brand"] \* \* \* Packed by Red Salmon Canning Co."; or "Army and Navy Brand Red Alaska Sockeye Salmon \* \* \* Packed by Naknek Packing Co., at Bristol Bay \* \* \* Alaska." Portions were labeled: (Cases) "Lucille Brand [or "Deep Sea"] \* \* \* Packed By Red Salmon Canning Co., Office San Francisco, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 18, 24, and 25, and July 14, 1937, the Red Salmon Canning Co. having appeared as claimant, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27658. Adulteration and misbranding of milk mineral salts.** U. S. v. 22 Drums of De-Raef Milk Mineral Salts. Tried to the court. Judgment for the Government. Product condemned and released under bond to be relabeled. (F. & D. No. 38484. Sample No. 8609-C.)

This product was labeled to convey the impression that it consisted of mineral salts derived from milk. Analysis showed that it consisted largely of dextrose, which is not a mineral salt and is not derived from milk.

On November 4, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 drums of De-Raef Milk Mineral Salts at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 23, 1936, by the De-Raef Corporation from Kansas City, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "De-Raef Milk Mineral Salts The Foster Mother of the World, De-Raef Corporation, \* \* \* Kansas City, Mo."

It was alleged to be adulterated in that a product consisting largely of dextrose had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted for milk mineral salts, which it purported to be.

It was alleged to be misbranded in that the statement "Milk Mineral Salts" was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting largely of dextrose, which is not a mineral salt and is not derived from milk; and in that it was offered for sale under the distinctive name of another article, namely, milk mineral salts.

On April 8, 1937, the De-Raef Corporation having appeared as claimant and a jury having been waived, the evidence on behalf of the Government and claimant was heard by the court. On June 22, 1937, judgment was entered for the Government sustaining all charges. On August 7, 1937, a decree of condemnation was entered and the court ordered the product released under bond conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27659. Adulteration and misbranding of Jelly-Kwik.** U. S. v. 64 Cartons of Jelly-Kwik. Default decree of condemnation and destruction. (F. & D. No. 38515. Sample Nos. 9261-C to 9266-C, incl.)

The grape, passion fruit, quince, and black currant varieties of these products were adulterated and misbranded because they were labeled to convey the impression that they contained the essential ingredients of jellies, whereas they consisted of dextrose, pectin, tartaric acid, added color, and artificial flavors

with little or no fruit juice; the orange variety was misbranded because it was labeled to indicate that it contained orange juice flavor, whereas it contained no orange juice flavor; and the mint variety was misbranded because it was labeled "Pure Fruit Flavor" but contained no fruit flavor. The labels of all products failed to bear a plain and conspicuous statement of the quantity of contents.

On November 7, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cartons of Jelly-Kwik at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by California Jelly-Kwik Co. from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: "Grape [or "Orange," "Mint," "Passion Fruit," "Quince," or "Black Currant"] Flavor."

The grape, passion fruit, quince, and black currant flavors were alleged to be adulterated in that mixtures of dextrose, pectin, tartaric acid, added color, and artificial flavor had been substituted for mixtures of the essential ingredients of jellies, which they purported to be; and in that the articles had been mixed and colored in a manner whereby inferiority was concealed.

The grape, passion fruit, quince, and black currant flavors were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to ingredients intended to be used in making jellies but which would not make jellies and which contained little or no fruit juice: "California Jelly-Kwik \* \* \* Pure Fruit Flavor \* \* \* Grape [or "Passion Fruit," "Quince," or "Black Currant"] Flavor No Fruit Juice Needed"; "Cover With paraffin if jelly is to be kept To make firmer jelly"; "Contents makes six glasses of real home-made Jelly." The orange flavor was alleged to be misbranded in that statements on the label substantially the same as those of the labels of the other products, were false and misleading when applied to an article that contained no orange juice flavor; the mint flavor was alleged to be misbranded in that the statement on the label "Pure Fruit Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no pure fruit flavor; all varieties were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement "Net Weight One Ounce" appeared only in a relatively inconspicuous manner on the back panels.

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27660. Adulteration and misbranding of jams. U. S. v. Anna Myers Pure Foods, Inc. Plea of guilty. Fine, \$180 of which \$130 was suspended. (F. & D. No. 38654. Sample Nos. 8809-C, 8810-C, 8813-C, 9300-C.)**

These products all contained less fruit and more sugar than jams should contain. Some lots contained added acid and some contained both added acid and added pectin.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Anna Myers Pure Foods, Inc., Passaic, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 18 and September 21, 1936, from the State of New Jersey into the State of Connecticut of quantities of jams that were adulterated and misbranded. The articles were labeled in part: "Mrs. Anna Myers Pure Food Products, Newark, N. J. \* \* \* Pure Home Made Blackberry [or "Cherry," "Raspberry," or "Damson Plum"] Jam."

The articles were alleged to be adulterated in that sugar in the case of the damson plum and a part of the raspberry jams; sugar and acid in the case of the remainder of the raspberry jam and the blackberry jam; and sugar, acid, and pectin in the case of the cherry jam, had been mixed and packed with them so as to reduce and lower their quality; in that articles inferior to jams had been mixed in a manner whereby their inferiority to jams was concealed; and in that mixtures of fruit containing less fruit and more sugar than jams contain (the blackberry and part of the raspberry containing added acid and the cherry containing added acid and pectin), had been substituted for the blackberry, cherry, raspberry, and damson plum jams respectively, which they purported to be.

The articles were alleged to be misbranded in that they were offered for sale under the distinctive names of other articles in that the jar labels bore the statements, "Pure \* \* \* Blackberry Jam," "Pure \* \* \* Cherry Jam," "Pure \* \* \* Raspberry Jam," and "Pure \* \* \* Damson Plum Jam;" that the aforesaid statements on the labels were false and misleading; that said statements were applied to articles which were not jams but which bore a resemblance to jams so as to deceive and mislead the purchaser; that the articles contained a smaller proportion of fruit than jams should contain; and that the deficiency of fruit was concealed by the addition of a larger proportion of sugar than is contained in jams, and, in some instances, added acid, and in others, added acid and pectin.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$180 of which payment of \$130 was suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27661. Misbranding of canned peas. U. S. v. 98 Cases of Canned Peas (and 6 other seizure actions against the same product). Decrees of condemnation. All lots but one released under bond to be relabeled. Remaining lot ordered destroyed. (F. & D. Nos. 39079, 39086, 39087, 39088, 39543, 39877, 39878. Sample Nos. 20335-C, 20336-C, 20337-C, 20373-C, 20514-C, 21147-C, 21148-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 15, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 312 cases of canned peas at Providence, R. I. On or about April 30 and June 21, 1937, libels were filed against 65 cases of canned peas at Boston, Mass.; 164 cartons of canned peas at Cambridge, Mass.; and 218 cartons of the product at Malden, Mass. The libels alleged that the article had been shipped in interstate commerce by A. W. Sisk & Son in various shipments on or about December 29, 1936, and January 12 and 19, 1937, from Baltimore, Md.; and on or about March 9, 1937, from Preston, Md., and charging misbranding in violation of the Food and Drugs Act. Portions of the article were labeled: (Cans) "Eventide Brand Early June Peas \* \* \* Distributed by R. O. Dulin Preston, Md." The remainder was labeled: "Boyer's Early June Peas \* \* \* W. W. Boyer & Co., Distributors, Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature—more than 25 percent being ruptured—and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 25, July 9, and July 27, 1937, A. W. Sisk & Son having appeared as claimant for the product covered by three of the four libels filed in the District of Rhode Island, and Roy E. Roberts, of Baltimore, Md., having appeared as claimant for the three lots seized in the District of Massachusetts, and said claimants having admitted the allegations of the libels, judgments of condemnation were entered, and the portions of the product that were claimed were ordered released under bond, conditioned that they be relabeled. On July 3, 1937, no claim having been entered in the remaining case in Rhode Island, the product seized (six cases) was condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27662. Adulteration of potatoes. U. S. v. 360 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. No. 39120. Sample No. 33522-C.)**

This product, because of excessive grade defects, was below the grade declared on the label.

On February 23, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Cairo, Ill., alleging that the article had been shipped in interstate commerce on or about February 13, 1937, by the Wright Co. from Iola, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Wright County Wisconsin Potatoes, U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below United States grade No. 1 had been substituted wholly or in part for United States grade No. 1 potatoes, which it purported to be.

On March 15, 1937, the Rubin Produce Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27663. Adulteration of canned peas. U. S. v. 815 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 39145. Sample No. 24156-C.)**

This product was infested with weevils.

On February 27, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 815 cases of canned peas at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about November 18, 1936, by the Idaho Canning Co. from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ida-Dell Brand \* \* \* Packed and Guaranteed By Idaho Canning Co. \* \* \* Payette, Idaho."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On July 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27664. Adulteration of tomato ketchup. U. S. v. 324 Cases of Tomato Ketchup. Default decree of condemnation and destruction. (F. & D. No. 39194. Sample No. 20408-C.)**

This product contained filth resulting from worm infestation.

On March 9, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 324 cases of tomato ketchup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 12, 1937, by the Vincennes Packing Corporation from Seymour, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Elm Farm Tomato Ketchup Packed especially for Elm Farm Foods Co. Boston, Mass."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27665. Adulteration of alcohol candy and absinthe. U. S. v. 9 Boxes of Alcohol Candy and 2 Bottles of Absinthe. Default decree of condemnation and destruction. (F. & D. No. 39197.)**

This case involved imported alcohol candy and absinthe seized by customs officials.

On September 18, 1936, the United States attorney for the Eastern District of New York, filed in the district court a libel against nine boxes of alcohol candy and two bottles of absinthe at Brooklyn, N. Y.

The libel charged that the articles had been imported by various persons, had been lawfully seized as contraband articles by the collector of customs between the dates of September 18, 1934, and October 18, 1935, and that they were subject to condemnation and forfeiture under the Federal Food and Drugs Act.

On November 27, 1936, no claim having been entered for the products, judgment of condemnation was entered and they were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27666. Adulteration and misbranding of butter. U. S. v. 102 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 39217. Sample Nos. 25001-C, 25005-C, 25014-C, 28222-C.)**

This product contained less than 80 percent by weight of milk fat.

On February 2, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 13, 1937, by the Fairmont Creamery Co. from

Grand Island, Nebr., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that it was represented to be butter, which representation was false and misleading and deceived the purchaser, since it contained less than 80 percent of milk fat.

On February 16, 1937, the Golden State Co., Ltd., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought up to the legal standard under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27667. Adulteration of maple sugar. U. S. v. 10½ Barrels and 6 Bags of Maple Sugar. Consent decree of condemnation. Product released under bond to be deleaded. (F. & D. No. 37901. Sample Nos. 66461-B, 66462-B.)**

This product contained excessive lead.

On July 20, 1936, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ barrels and 6 bags, containing a total of 4,160 pounds of maple sugar, at St. Albans, Vt., alleging that it had been shipped by J. A. Desbiens from Monk, Province of Quebec, Dominion of Canada, on or about June 3, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 10, 1936, the American Maple Products Corporation, Newport, Vt., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be used in the manufacture of tobacco products. On June 15, 1937, an amended decree was entered ordering that the product be deleaded under the supervision of this Department, in lieu of its disposal as provided in the original decree.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27668. Adulteration of canned shrimp. U. S. v. 102 Cases of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 39332. Sample No. 12784-C.)**

This product was in part decomposed.

On April 7, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended June 3, 1937) praying seizure and condemnation of 102 cases of canned shrimp at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about February 3, 1937, by George H. Leslie & Co. from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Doll Baby Brand Wet Pack Shrimp, Best Quality, L. C. Mays Co. Inc., Distributors, New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 2, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27669. Adulteration of raisins. U. S. v. 1,400 Cartons of Seedless Raisins. Consent decree of condemnation. Product released under bond; unfit portion segregated and destroyed. (F. & D. No. 39403. Sample No. 37357-C.)**

Samples of this product were found to contain hydrocyanic acid in an amount constituting a menace to health.

On April 20, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,400 25-pound cartons of seedless raisins at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about October 29, 1936, by Rosenberg Bros. & Co. from Stockton, Calif., and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: "Irish Brand California Thompson Seedless Raisins, Rosenberg Bros. & Co. California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On August 12, 1937, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of this Department. The method of reconditioning adopted was to examine each 25-pound unit and destroy all raisins containing excessive hydrocyanic acid.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27670. Adulteration and misbranding of canned shrimp. U. S. v. 7½ Cases of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 39424. Sample No. 12797-C.)**

This product was in part decomposed and also fell below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive packing medium, and it was not labeled to indicate that it was substandard. The drained weight of the product was less than the weight declared on the label.

On April 27, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven and one-third cases of canned shrimp at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about March 3, 1937, by Griswold-Walker-Bateman Co. (for George H. Leslie & Co.) from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Doll Baby Brand Wet Pack Shrimp 5½ Ozs. Best Quality L. C. Mays Co. Inc., Distributors, New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

The article was alleged to be misbranded in that the statement "5½ Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article in cans containing a less amount, since the average drained weight was less than the amount declared. It was alleged to be misbranded further in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture since it was slack-filled because of excessive packing medium, and the label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27671. Adulteration of canned huckleberries. U. S. v. Younglove & Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 39470. Sample Nos. 23910-C, 29325-C.)**

Samples of this product were found to contain worms.

On May 17, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Younglove & Co., Tacoma, Wash., alleging shipment by said company on or about October 6, October 21, and November 10, 1936, from the State of Washington into the State of Oregon in violation of the Food and Drugs Act, of quantities of canned huckleberries that were adulterated. The article was labeled in part: (Cans) "B & H Brand Huckleberries Younglove & Company Tacoma, Wash."

It was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On July 17, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$20 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27672. Misbranding of alfalfa leaf meal. U. S. v. The Lamar Alfalfa Milling Co. Plea of guilty. Fine, \$200. (F. & D. No. 39478. Sample No. 657-C.)**

This product contained less protein, less fat, less nitrogen-free extract, and more fiber than declared on the tag.

On May 22, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against the Lamar Alfalfa Milling Co., Lamar, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 23, 1936, from the State of Colorado into the State of Kansas of a quantity of alfalfa leaf meal which was misbranded. The article was labeled in part: (Tag) "Alfalfa Leaf Meal \* \* \* The Lamar Alfalfa Milling Company Lamar, Colorado."

The article was alleged to be misbranded in that the following statements, "Guaranteed Analysis Protein not less than 20.0 Per Cent, Fat not less than 2.5 Per Cent, Fibre not more than 20.0 Per Cent Nitrogen Free Extract, not less than 40.0 Per cent," borne on the tag, were false and misleading and were borne on the tag so as to deceive and mislead the purchaser, since the article contained less than 20 percent, namely, not more than 17.56 percent of protein; less than 2.5 percent, namely, not more than 2.2 percent of fat; more than 20 percent, namely, not less than 21.88 percent of fiber; and less than 40 percent, namely, not more than 38.12 percent of nitrogen-free extract.

On July 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27673. Misbranding of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$500. (F. & D. No. 39484. Sample Nos. 29348-C, 29388-C.)**

This product was short weight.

On May 18, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation having a place of business at Portland, Oreg., alleging shipment by said company on or about December 11, 1936, and January 29, 1937, from the State of Oregon into the State of Washington of quantities of butter that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrappers) "Goldendale Creamery Butter Distributed by Armour Creameries \* \* \* 1 lb. net weight."

It was alleged to be misbranded in that the statement "1 lb. net weight" was false and misleading and was borne on the wrapper so as to deceive and mislead the purchaser since the wrappers contained less than 1 pound net weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27674. Adulteration of prunes. U. S. v. 10 Boxes of Prunes. Default decree of condemnation and destruction. (F. & D. No. 39519. Sample No. 14588-C.)**

This product was insect-infested.

On April 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of prunes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1937, by the McLain Grocery Co. from Massillon, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Richmond Brand Santa Clara Prunes. L. Redblatt \* \* \* Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 7, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27675. Adulteration of frozen herring. U. S. v. 1,701 Cartons of Frozen Herring. Product released under bond to be denatured. (F. & D. No. 39561. Sample No. 41809-C.)**

This product was infested with parasitic worms.

On April 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,701 cartons of frozen herring at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 1, 1936, by Lake Superior Fisheries from Hancock, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 21, 1937, Otto Rossman, trading as Lake Superior Fisheries, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27676. Adulteration of oranges. U. S. v. 240 Cases of Oranges. Default decree of condemnation and destruction. (F. & D. No. 39562. Sample No. 41817-C.)**

This product was in whole or in part decomposed and damaged by drying.

On April 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of oranges at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 10, 1937, by Cherokee Citrus Co., Inc., from Highland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Picardy Brand Cherokee Citrus Company Inc. Office Highland, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance; in that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit, which the article purported to be; and in that a valuable constituent, juice, had been wholly or in part abstracted.

On June 7, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27677. Adulteration and misbranding of lemon cocktail fruit mixer. U. S. v. 6 Cartons of Cocktail Fruit Mixer. Default decree of condemnation and destruction. (F. & D. No. 39593. Sample No. 27551-C.)**

This product was labeled to convey the impression that it was a base for the making of fruitade. Examination showed that it consisted of a mixture of water, acid, flavor, color, and about 10 percent of lemon juice.

On May 15, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cartons of cocktail fruit mixer at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about October 29, 1936, by Castle Products, Inc., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: (Jars) "Tomahawk Brand Cocktail Fruit Mixer Lemon \* \* \* Castle Products, Inc., Newark, N. J."; (case) "Caspro Brand Cocktail Fruit Juice."

It was alleged to be adulterated in that an imitation lemon juice consisting of water, lemon juice, acid, flavor, and color, had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted wholly or in part for the article; and in that it had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained only about 10 percent of lemon juice: (Jar) "Lemon use as the juice of fresh fruit \* \* \* Use whenever lemon juice is desired. Two-tablespoons are equal to the juice of one lemon. Contents are the juice of tree-ripened, California-squeezed lemons, containing such natural fruit properties as flavor, fruit acid, cert. color"; (case) "Cocktail Fruit Juice. Use as the juice of fresh fruit."

On June 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27678. Adulteration and misbranding of tomato catsup. U. S. v. 4½ Cases, et al., of Tomato Catsup. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. Nos. 39606, 39607, 39608. Sample Nos. 34838-C, 34839-C, 34840-C.)**

This product contained artificial color and apple pulp. It was also short of the declared volume.

On May 18, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12½ cases of catsup at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about April 16, 1937, by E. A. Zatarain & Sons, Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: (Bottles) "Pa-Poose Brand Tomato Catsup Contents 5 Fluid Oz. [or "8 Oz." or "14 Oz."] \* \* \* Made from Tomatoes, salt and spices \* \* \* Manufactured by E. A. Zatarain & Sons Inc. New Orleans, La."

The article was alleged to be adulterated in that an artificially colored tomato catsup containing pulp other than tomato pulp had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted wholly or in part for tomato catsup, which the article purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained artificial color and apple pulp and the quantity of contents of which was less than declared: "Tomato Catsup \* \* \* Made from Tomatoes, Salt and spices"; "Contents 5 Fluid Oz.;" "Contents 8 Oz.;" "Contents 14 Oz." It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, tomato catsup; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 7, 1937, no claimant having appeared, judgment of condemnation was entered and the court having found that the product was fit for human consumption, ordered that it be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27679. Adulteration of canned tomato puree. U. S. v. 2,220 Cases of Tomato Puree (and 2 other seizure actions against the same product.) Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. Nos. 39621, 39622, 39690. Sample Nos. 30117-C, 30118-C, 41506-C, 41507-C, 41508-C, 41537-C.)**

Samples of this product were found to contain excessive mold.

On May 17 and June 5, 1937, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,220 cases of tomato puree at Nebraska City, Nebr., and 2,512 cases of tomato puree at Plattsmouth, Nebr., alleging that the article had been shipped in interstate commerce between the dates of September 14, 1936, and December 7, 1936, by the Weber Packing Corporation from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 28 and July 3, 1937, the Norfolk Packing Co., Plattsmouth, Nebr., and the Otoe Food Products Co., Nebraska City, Nebr., claimants for respective portions of the article, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that the unfit portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27680. Adulteration of oranges. U. S. v. 191 Cases of Oranges. Default decree of condemnation and destruction. (F. & D. No. 39635. Sample No. 1128-C.)**

This product was found to be in part decomposed and damaged by drying.

On April 23, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 191 cases of oranges at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 9, 1937, by American Fruit Growers from Pomona, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Orange Queen Brand U. S. No. 1 American Fruit Growers Inc. Los Angeles, California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance in that a citrus fruit damaged

by drying, had been substituted wholly or in part for edible citrus fruit, which it purported to be.

On June 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27681. Adulteration of lemon cocktail mixer. U. S. v. 39 Jars of Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 39655. Sample No. 38063-C.)**

This product was an imitation lemon juice consisting of an artificially colored mixture of acid solution and lemon-peel flavor containing little or no lemon juice.

On or about May 27, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 gallon jars of cocktail mixer at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 11, 1937, by the California Fruit Products Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Abbey Brand \* \* \* Concentrated Cocktail Mixer Lemon \* \* \* Produced by California Fruit Products Co., Inc. \* \* \* New York, N. Y."

It was alleged to be adulterated in that an imitation lemon juice consisting of water, acid, flavor, and color, containing little or no lemon juice, had been mixed and packed with it so as to reduce or lower its quality or strength and, had been substituted wholly or in part for lemon juice, which the article purported to be. It was alleged to be adulterated further in that it had been mixed and colored in a manner whereby its inferiority was concealed.

The article was alleged to be misbranded in that the following statements on the label were false and misleading and tended to deceive and mislead the purchaser in that they implied that it was pure lemon juice, whereas it was not: "Concentrated \* \* \* Lemon Because of its concentration use only half as much as is required of fresh fruit juice. Example: A good sized lemon contains about 6 teaspoonfuls of juice. If recipe calls for the juice of one lemon you will require only about 3 teaspoonfuls of Lemon Mixer \* \* \* To reduce this product to the strength of fresh fruit juice dilute with an equal part of water." Misbranding was alleged further in that the article was an imitation of and offered for sale under the distinctive name of another article, namely, lemon juice.

On July 17, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27682. Misbranding of canned cherries. U. S. v. 170 Cases, and 255 Cases of Canned Cherries. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 39656, 39657. Sample Nos. 30710-C, 41488-C.)**

This product fell below the standard established by this Department because the cherries were packed in water and it was not labeled to indicate that it was substandard.

On May 27 and June 3, 1937, the United States attorneys for the District of Kansas and the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 170 cases of canned cherries at Salina, Kans., and 255 cases of canned cherries at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about August 24 and September 1, 1936, by the Smith Canning Co. from Brigham, Utah, and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Royal W Brand \* \* \* Pitted Red Cherries The Watson Wholesale Grocery Co. Distributors, Salina, Kansas." The remainder was labeled in part: (Cans) "Smith Brand Pitted Red Sour Cherries Distributed by Smith Canning Co. Clearfield, Utah—Athena, Oregon."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit was water-packed and its packages and labels did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 28 and August 2, 1937, the Smith Canning Co. and the Watson Wholesale Grocery Co. having appeared as claimants for respective portions of the

product, judgments of condemnation were entered and the product was ordered released to the claimants under bond, conditioned that it be relabeled so as to comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27683. Misbranding of canned peas. U. S. v. 189 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39658. Sample No. 42130-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 27, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 cases of canned peas at Washington, D. C., alleging that the article had been shipped on or about April 5, 1937, by the Mount Airy Canning Co. from Mount Airy, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Good Year M-L Co Inc Early June Peas \* \* \* Mazo-Lerch Co. Incorporated Distributors Washington, D. C."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 27, 1937, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it be relabeled so as to conform to the requirements of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27684. Adulteration and misbranding of frozen egg yolks. U. S. v. 285 Cans of Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39663. Sample No. S876-C.)**

This product was represented to consist of egg yolks and sugar, but contained added egg white.

On May 27, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 cans of yolks at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 5, 1937, by the Highway Butter & Egg Co. from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can cover) "Yolks With Approx. 10% Sugar."

It was alleged to be adulterated in that a mixture of egg yolk, egg white, and sugar had been substituted wholly or in part for egg yolks and sugar, which it purported to be.

The article was alleged to be misbranded in that the statement "Yolks With Approx. 10% Sugar" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained added egg white.

On July 1, 1937, the Highway Butter & Egg Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be relabeled to show its true nature.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27685. Adulteration and misbranding of butter. U. S. v. 10 Cases of Countryside Brand Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 39666. Sample No. 31732-C.)**

This product contained less than 80 percent of milk fat.

On May 18, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Cincinnati, Ohio, consigned on or about May 11, 1937, alleging that the article had been shipped in interstate commerce by Liberty Creamery Co. from Liberty, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Countryside Brand Butter \* \* \* Distributed by Countryside Farm Products Co. \* \* \* Cincinnati, Ohio."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

The article was alleged to be misbranded in that it was sold as and purported to be butter, whereas it was not butter since it contained less than 80 percent of milk fat.

On June 1, 1937, Stanley Duncan and George Powell, trading as Liberty Creamery Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to claimants under bond conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27686. Adulteration and misbranding of fruit juices. U. S. v. Twenty-two 12-Ounce Bottles of Lemon Juice, et al. Default decree of condemnation. (F. & D. No. 39671. Sample Nos. 20637-C to 20642-C, incl.)**

These products were labeled to convey the impression that they were fruit juices. Examination showed that they consisted of acid, diluted citrus juices, citrus-peel oil, benzoate of soda, and in the case of the lemon and lime varieties, artificial color.

On June 1, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 various-sized bottles of lemon, lime, and orange juices at Pawtucket, R. I., alleging that the articles had been shipped in interstate commerce between the dates of October 25, 1935, and March 31, 1937, by Delco Products, Inc., from Fall River, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part as follows: (Bottles) "Delco Lemon [or "Lime" or "Orange"] A Mixture for Drinks or Foods requiring Lemon [or "Lime" or "Orange"] Juice. Delco Products Inc. Fall River, Mass."

They were alleged to be adulterated in that imitation fruit juices consisting of acid, diluted citrus juices, citrus-peel oil, benzoate of soda, and in the case of the lemon and lime juices, artificial color, had been mixed and packed with them so as to reduce and lower their quality or strength and had been substituted wholly or in part for lemon, or lime, or orange juices, which they purported to be. They were alleged to be adulterated further in that they had been mixed and—in the case of the lemon and lime—had been artificially colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to imitation fruit juices, "Lemon [or "Lime" or "Orange"] Juice"; and in that they were imitations of other articles, namely, fruit juices.

On June 28, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27687. Misbranding of canned cherries. U. S. v. 135 Cases and 175 Cases of Canned Cherries. Decrees of condemnation. Product released under bond. (F. & D. Nos. 39682, 39683. Sample Nos. 41495-C, 41497-C.)**

This product was substandard because the cherries were packed in water and it was not labeled to indicate that it was substandard.

On June 8, 1937, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 310 cases of canned cherries at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about August 11 and August 21, 1936, by the Smith Canning Co. from Brigham, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Smith Brand Pitted Red Sour Cherries Distributed by Smith Canning Co. Clearfield, Utah—Athena, Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the cherries were packed in water, and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 24, 1937, Ranney-Davis Merc. Co., Wichita, Kans., claimant, having admitted the allegations of the libels, judgments of condemnation were entered

ordering the product released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27688. Adulteration and misbranding of lemon cocktail mixer. U. S. v. 112 Bottles of Cocktail Mixer Trufruit Brand Lemon. Default decree of condemnation and destruction. (F. & D. No. 39696. Sample No. 20858-C.)**

This product was labeled to convey the impression that it could be used as a base for fruitade.

Examination showed that it consisted of an artificially colored acid solution, containing citrus oils and benzoate of soda, and little or no lemon juice.

On June 9, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 bottles of lemon cocktail mixer at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 4, 1936, by the Trufruit Syrup Corporation from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cocktail Mixer Trufruit Brand Lemon \* \* \* Trufruit Syrup Corp., Brooklyn, N. Y."

It was alleged to be adulterated in that an imitation lemon juice consisting of an artificially colored acid solution, citrus oils, and benzoate of soda, containing little or no lemon juice, had been substituted for lemon juice, which it purported to be, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements were false and misleading, and tended to deceive and mislead the purchaser when applied to a mixture of an artificially colored acid solution, citrus oils, and benzoate of soda, containing little or no lemon juice, "Trufruit \* \* \* Lemon"; and in that it was an imitation of another article, lemon juice.

On June 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27689. Adulteration of canned pineapple. U. S. v. 293 Cases of Pineapple. Product released under bond for segregation and destruction of decomposed portion. (F. & D. No. 39698. Sample No. 35411-C.)**

This product was in part decomposed.

On June 7, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 293 cases of pineapple at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 21, 1937, by Getz Bros. & Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Royal Taste Brand Malayan Spiral Cut Sliced Pineapple Product of British Malaya Getz Bros. & Co. Distributors Singapore."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 23, 1937, Getz Bros. & Co. having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that the decomposed portion be separated from the sound and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27690. Misbranding of canned peas. U. S. v. 587 Cases and 303 Cases of Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 39712, 39868. Sample Nos. 42561-C, 43598-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about June 14 and June 18, 1937, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 587 cases of canned peas at Tampa, Fla., and 303 cases of canned peas at Jacksonville, Fla., alleging that they had been shipped in interstate commerce by the Colt & Dixon Packing & Manufacturing Co. from Frederick, Md., on or about May 1 and May 7, 1937, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Dixon Brand

**Early June Peas \* \* \* Distributed By Colt & Dixon Packing & Mfg. Co. Frederick, Md."**

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, more than 25 percent being ruptured; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On June 29 and July 9, 1937, Bonacker Bros., Inc., Tampa, Fla., and the Colt & Dixon Packing & Manufacturing Co., claimants, respectively, for the lots seized at Tampa, Fla., and Jacksonville, Fla., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released to claimants under bond conditioned that it be relabeled to conform to the law.

*M. L. WILSON, Acting Secretary of Agriculture.*

**27691. Adulteration of canned blackberries. U. S. v. 198 Cases and 589 Cases of Blackberries. Default decrees of condemnation and destruction. (F. & D. Nos. 39138, 39714. Sample Nos. 29400-C, 41283-C.)**

Samples of this product were found to be excessively moldy.

On March 20 and June 14, 1937, the United States attorneys for the District of Maryland and the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 198 cases of canned blackberries at Baltimore, Md., and 589 cases of canned blackberries at Pueblo, Colo., both lots consigned by the Svensen Canning Co., of Svensen, Oreg., alleging that the article had been shipped in interstate commerce, in part on or about December 14, 1936, from Svensen, Oreg., and in part on or about February 9, 1937, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Astoria Brand Water Pack Evergreen Blackberries \* \* \* Svensen Canning Co., Svensen, Ore." The remainder was labeled in part: "Jordan Brand \* \* \* Water Pack Blackberries Packed for The J. S. Brown Mercantile Co. Denver, Colo."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 15 and August 19, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**27692. Adulteration and misbranding of maple sirup. U. S. v. Fourteen 1-Gallon Cans of Maple Sirup. Default decree of condemnation and destruction. (F. & D. No. 39715. Sample No. 21131-C.)**

This product contained excessive lead, and the quantity of contents was not marked on the package.

On June 11, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 1-gallon cans of maple sirup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by G. W. John from Lyndonville, Vt., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Vermont Maple Syrup Net Weight — lbs. when Packed Made and For Sale by G. W. John \* \* \* Lyndonville, Vermont."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**27693. Misbranding of olive oil. U. S. v. 70 Cans of Gold Deer Brand Olive Oil. Consent decree of condemnation. Product released under bond to be repacked. (F. & D. No. 39716. Sample No. 37985-C.)**

This product was short of the declared volume.

On June 11, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cans of olive oil at

Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by the Lucca Olive Oil Co., from Lindsay, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co. Lucca, Cal. Contents 1 Gallon."

The article was alleged to be misbranded in that the statement "Contents 1 Gallon" was false and misleading and tended to deceive and mislead the purchaser since the net content was actually less than 1 gallon; and in that it was food in package form and the true quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 27, 1937, Antonio Rossi, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it be repacked into properly labeled containers.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27694. Adulteration of canned prunes and misbranding of canned cherries.**  
U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$500. (F. & D. No. 39735. Sample Nos. 21846-C, 31135-C.)

These canned prunes were in whole or in part decomposed, and the canned cherries were short weight.

On June 17, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 3, 1936, from the State of Oregon into the State of Colorado of a quantity of canned prunes that were adulterated; and on or about October 20, 1936, from the State of Oregon into the State of New York of a quantity of canned cherries that were misbranded. The articles were labeled in part: (Prunes, can) "Jordan Brand Water Pack Italian Prunes \* \* \* Packed for The J. S. Brown Mercantile Co. Denver—Colorado Springs"; (cherries, can) "Pitted Black Cherries De Luxe Brand \* \* \* Packed for Geo. S. Daugherty Co. New York Contents 7 lbs Or Over."

The prunes were alleged to be adulterated in that they consisted in whole and in part of a decomposed vegetable substance.

The cherries were alleged to be misbranded in that the statement "Contents 7 Lbs. Or Over" was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since the cans contained less than 7 pounds of the article; misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27695. Adulteration of canned peas.** U. S. v. Idaho Canning Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 39736. Sample Nos. 24156-C, 29324-C, 29346-C, 32610-C.)

Samples of this product were found to contain weevils.

On June 25, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Idaho Canning Co., Inc., Payette, Idaho, alleging shipment by said company on or about July 10, August 3, and November 18, 1936, in violation of the Food and Drugs Act, from the State of Idaho into the States of Oregon and Washington of quantities of canned peas that were adulterated. The article was labeled variously in part: "Seven Peaks or [Arrow Rock" or "Ida Dell"] Brands \* \* \* Packed by Idaho Canning Co. Payette Idaho."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27696. Adulteration of butter. U. S. v. One Tub of Butter. Default decree of condemnation and destruction.** (F. & D. No. 39854. Sample No. 31639-C.)

This product was moldy and rancid.

On June 5, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at Cincinnati, Ohio, consigned on or about May 11, 1937, alleging that the article had been shipped in interstate commerce by S. M. Robertson from Fullerton, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27697. Adulteration of butter. U. S. v. One Can of Butter. Default decree of condemnation and destruction.** (F. & D. No. 39855. Sample No. 31642-C.)

This product was decomposed and filthy.

On June 5, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can, containing 50 pounds of butter, at Cincinnati, Ohio, consigned on or about May 12, 1937, alleging that the article had been shipped in interstate commerce by J. M. O'Bryan from Louisa, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable or animal substance.

On June 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27698. Adulteration of canned tomato puree. U. S. v. 32 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. No. 39861. Sample No. 49003-C.)

This product was found to contain excessive mold.

On June 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 24, 1937, by the Loudon Packing Co. from Terre Haute, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Traymore Brand Tomato Puree Distributors Central Grocers Cooperative Inc Chicago Ill."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27699. Adulteration and misbranding of pickled herring. U. S. v. 5 Barrels of Herring Vinegar Cured. Default decree of condemnation and destruction.** (F. & D. No. 39867. Sample No. 26569-C.)

This product was represented to be vinegar-cured, whereas its pickling solution contained saccharin and acetic acid.

On June 16, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of pickled herring at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about May 18, 1937, by the Gorton Pew Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vinegar Cured Herring."

The article was alleged to be adulterated in that saccharin and acetic acid had been substituted for sugar and vinegar.

The article was alleged to be misbranded in that the statement "Vinegar Cured" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing saccharin and acetic acid.

On July 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27700. Adulteration and misbranding of butter. U. S. v. 377 Boxes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 39869. Sample Nos. 42311-C, 42313-C.)**

This product contained less than 80 percent of milk fat.

On June 15, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 377 boxes of butter at Washington, D. C., alleging that the article had been shipped on or about June 2, 1937, from Kansas City, Mo., to Washington, D. C., by the American Butter Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Sanitary's Jumbo Country Style Roll \* \* \* Pasteurized Fresh Creamery Butter."

It was alleged to be adulterated in that a substance deficient in butterfat had been substituted wholly or in part for butter and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article; and in that the statement "Butter," on the label, was false and misleading and tended to deceive and mislead the purchaser.

On June 24, 1937, the American Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so as to comply with all legal requirements.

M. L. WILSON, *Acting Secretary of Agriculture.*

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Myles Salt Co., Ltd-----	27651	Younglove & Co----- 27581, 27671
Egg yolks, frozen:		Jams. <i>See</i> Preserves, jams, and jellies.
Highway Butter & Egg Co-----	27684	Jelly-Kwik. <i>See</i> Preserves, jams, and jellies.
Eggs:		Lemon cocktail mixer. <i>See</i> Beverages and beverage bases.
Klayman, Louis-----	27623	Maple syrup:
Klayman, M-----	27622	Brown, A. B----- 27627
frozen:		John, G. W----- 27692
Poultry Producers of Central California -----	27616	sugar:
Feed—		American Maple Products Corporation----- 27655
alfalfa leaf meal:		Desbiens, J. A----- 27667
Lamar Alfalfa Milling Co-----	27672	Milk. <i>See</i> Dairy products.
bran:		mineral salts. <i>See</i> Dairy products.
Barry, P. A-----	27625	Noodles:
Calcium and Phosphorus, Dicapho Citrate Soluble:		Viviano, V., & Bros----- 27636
Bay Chemical Co., Inc-----	27651	Oil, olive:
Myles Salt Co., Ltd-----	27651	Accardi, Antonio----- 27649
Figs:		Alessi, Nicholas----- 27649
Rosenberg Bros. & Co-----	27628	Booras, P. B----- 27649
Fish and shellfish—		De Luca Olive Oil Co., Inc----- 27654
codfish, dried:		Drew, E. F----- 27649
North Star Co-----	27620	Durkee Famous Foods----- 27609
crab meat:		Goltos, James----- 27649
Harrison & Jarboe-----	27645	Kalustian, Setrak----- 27649
herring, frozen:		Knox, A. J----- 27649
Lake Superior Fisheries-----	27675	Lucca Olive Oil Co----- 27693
pickled:		Magistrale, Joseph----- 27617
Gorton Pew Co-----	27699	Nation-Wide Service Grocers----- 27654
salmon, canned:		Parrott, E. L----- 27649
Alaska Packers Association-----	27613,	Weccoline Products, Inc----- 27649
	27653	Oranges:
McGovern & McGovern-----	27582	American Fruit Growers----- 27680
Naknek Packing Co-----	27598,	Cherokee Citrus Co., Inc----- 27676
North Coast Fisheries Co-----	27657	Peaches, canned:
	27582	Hume, G. W., Co----- 27585
Pacific American Fisheries, Inc-----	27578	Monpony-Hammond Co----- 27585
Red Salmon Canning Co-----	27598,	Pears, canned:
Shepard Point Packing Co-----	27584	Hume, G. W., Co----- 27585
Wesco Foods Co-----	27584, 27650	Peas, canned:
sardines, canned:		Boyer, W. W., & Co----- 27661
Sunset Packing Co-----	27630	Colt & Dixon Packing & Manufacturing Co----- 27690
shrimp, canned:		Dulin, R. O----- 27661
Brooks, W. M. Packing Co-----	27591	Foote, D. E., & Co, Inc----- 27642
Griswold-Walker-Bateman Co-----	27670	Idaho Canning Co----- 27663, 27695
Leslie, George H., & Co-----	27668,	Jones, Howard E., & Co----- 27590
Lowden Corporation-----	27670	Lineboro Canning Co., Inc----- 27590
Mays, L. C., Co., Inc-----	27588	Mazo-Lerch Co., Inc----- 27683
	27668, 27670	McGrath, H. J., Co----- 27603
Oakford & Fahnestock-----	27577	Mount Airy Canning Co----- 27683
Rinaud Co-----	27588	Sisk, A. W., & Son----- 27661
tuna, canned:		Phosphate, dicalcium. <i>See</i> Calcium phosphate.
Red & White Corporation-----	27641	Phosphorus and calcium. <i>See</i> Calcium phosphate.
Van Camp Sea Food Co., Inc-----	27641	
whitefish:		
Meyer, H-----	27631	
whiting:		
American Fish Co-----	27602	
Flour:		
American Maid Flour Mills-----	27580	
Eagle Milling Co-----	27580	
Mid West Milling Co-----	27580	

<sup>1</sup> Seizure contested.

2 Conspiracy to violate the Food and Drugs Act.

	N. J. No.		N. J. No.
Pineapple, canned:		Shrimp. <i>See</i> Fish and shellfish.	
Getz Bros. & Co-----	27680	Tomato catsup:	
Potatoes:		Elm Farm Foods Co-----	27664
Runciman, C. H-----	27600	Vincennes Packing Corpora-	
Wright Cc-----	27662	tion-----	27664
Preserves, jams, and jellies-----		Weller, J., Co-----	27595
apple butter:		Zatarain, E. A., & Sons, Inc-----	27678
Libby, McNeil & Libby-----	27629	Juice. <i>See</i> Beverages and beverage bases.	
jams:		paste:	
Johnson, H. A., Co-----	27612	Bisceglia Bros. Canning Co-----	27652
Myers, Anna, Pure Foods,		Canandaigua Juice Co-----	27614
Inc-----	27660	Hershel, A., Canning Co-----	27596
Jelly-Kwik:		Howard Terminal-----	27652
California Jelly-Kwik Co-----	27659	Marlboro Canning Corpora-	
Prunes:		tion-----	27579
Gomperts, Jack, Co-----	27640	Page's Gold Medal Canning	
McClain Grocery Co-----	27674	Co-----	27589
North Pacific Cooperative-----		pulp. <i>See</i> Tomato puree.	
Prune Exchange-----	27607	puree:	
Redblatt, L-----	27674	Central Grocers Cooperative,	
Roundup Grocery-----	27607	Inc-----	27698
canned:		Empire Freight Co-----	27610
Brown, J. S., Mercantile Co-----	27694	London Packing Co-----	27698
California Packing Corpora-		M. & R. Canning Co-----	27615
tion-----	27608	National Grocery Co-----	27610
Nash-Finch Co-----	27608	Oconomowac Canning Co-----	27624
Oregon Fruit Products Co-----	27608	Railton, B. A., Co-----	27624
Paulus Bros. Packing Co-----	27694	Val Vita Food Products, Inc-----	27610
Raisins:		Weber Packing Corporation-----	27679
California Packing Corpora-		Tomatoes, canned:	
tion-----	27618	Sheridan Packing Co-----	27587
Camp, Wm. A., Co, Inc-----	27621	Sisk, A. W., & Son-----	27608
Rosenberg Bros. & Co-----	27618, 27669	Springfield Grocery Co-----	27587
Sun-Maid Raisin Growers of		Tuna. <i>See</i> Fish and shellfish.	
California-----	27621	Whitefish. <i>See</i> Fish and shellfish.	
Salmon. <i>See</i> Fish and shellfish.		Whiting. <i>See</i> Fish and shellfish.	
Sardines. <i>See</i> Fish and shellfish.			

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**NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT**

[Given pursuant to section 4 of the Food and Drugs Act]

27701-27750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 5, 1938]

- 27701. Adulteration of Epsom salt compound tablets.** U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 35986. Sample No. 30399-B.)

These tablets were represented to derive their laxative properties from Epsom salt, whereas their laxative effect was derived chiefly from phenolphthalein, a coal-tar drug, the small amount of Epsom salt present being relatively unimportant.

On March 20, 1936, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment by said company on or about May 2, 1935, from the State of Iowa into the State of New York of a quantity of a product, invoiced "Epsom Comp. Tablets SC White," which was adulterated. The article was labeled in part: (Drum) "From the laboratories of The Shores Company, Cedar Rapids, Iowa."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the tablets were represented to consist of Epsom salt; whereas they did not so consist, but did contain a small amount only of Epsom salt, or magnesium sulphate, and contained phenolphthalein, an organic compound derived from coal tar, as the active cathartic present.

On September 28, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

- 27702. Misbranding of Hessel's Oil de Vita, Snuffly, and Hessel's Oil de Vita Salve.** U. S. v. Eugene Hessel (Vita Laboratories). Plea of guilty. Fine, \$50 and 1 day's imprisonment. Prison sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 36983. Sample Nos. 35192-B, 35193-B, 35194-B, 35992-B, 49543-B.)

The labels of these products contained false and fraudulent representations regarding their curative and therapeutic effects.

On July 1, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugene Hessel, trading as Vita Laboratories, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 3 and August 8, 1935, from the State of Pennsylvania into the State of Ohio of quantities of Oil de Vita, Snuffly, and Oil de Vita Salve that were misbranded; and on or about July 7 and August 22, 1935, from the State of Pennsylvania into the District of Columbia and the State of New Jersey, respectively, of quantities of Oil de Vita which was misbranded. The articles were labeled variously: "Hessel's Oil de Vita \* \* \* [or "Snuffy" or "Hessel's Oil de Vita Salve"] Vita Laboratories, Phila., Pa."

Analyses showed that the Oil de Vita consisted essentially of oil of peppermint slightly varying from the United States Pharmacopoeial quality; that the salve was a yellowish, semisolid consisting of about one-fifth peppermint oil in a base indicated to be petrolatum; and that the Snuffly consisted of eucalyptus oil.

The articles were alleged to be misbranded in that certain statements, borne on the cartons of the Oil de Vita, regarding its therapeutic and curative effects falsely and fraudulently represented that it was effective to destroy cold and catarrhal pus bacilli and to relieve and conquer rheumatic conditions; in that certain statements on the display card shipped with the Snuffy regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a remedy for sinus trouble, asthma, and hay fever, and as a protection against infection; and in that certain statements on the tubes containing the Oil de Vita Salve, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a relief for eczema, skin eruptions, and rheumatism.

On September 21, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50 and a sentence of 1 day's imprisonment. The prison sentence was suspended and the defendant was placed on probation for 1 year.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27703. Misbranding of Zo-Ro-Lo.** U. S. v. Zo-Ro-Lo, Inc., Ralph Runyan, and Charles Collett. Pleas of *nolo contendere*. Corporation fined \$50. Individual defendants each fined \$10. Costs assessed. (F. & D. No. 37923. Sample Nos. 49625-B, 56470-B.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On August 12, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zo-Ro-Lo, Inc., Ada, Ohio, and Ralph Runyan and Charles Collett, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 9, 1935, from the State of Ohio into the State of Indiana, and on or about December 20, 1935, from the State of Ohio into the State of New Jersey of quantities of Zo-Ro-Lo that was misbranded. The article was labeled in part: "Zo-Ro-Lo, Zo-Ro-Lo, Inc., Laboratories, Ada, Ohio."

Analyses showed that it consisted essentially of water, magnesium sulphate, citric acid, benzoic acid, glycerin, and menthol.

The article was alleged to be misbranded in that certain statements borne on the bottle label, regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective to remove the cause of many ailments traceable to intestinal auto-intoxication and to insure proper elimination; effective as a treatment, remedy, and cure for indigestion; and effective to aid nature in eliminating the toxins caused from auto-intoxication and putrefaction occurring within the intestinal tract and to establish normal metabolism.

On January 21, 1937, the corporation entered a plea of *nolo contendere* and the court imposed a fine of \$50, with costs amounting to \$20.50. On September 16, 1937, each individual defendant entered a plea of *nolo contendere* and was fined \$10 with \$15.10 costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27704. Adulteration of gauze pads.** U. S. v. 81 Packages and Boxes of Gauze Pads. Default decrees of condemnation and destruction. (F. & D. Nos. 38460, 38487. Sample Nos. 11897-C, 12129-C.)

This product was adulterated and misbranded because it was represented to be sterile but in fact it was not sterile. It was misbranded further in that it was labeled to convey the impression that it was manufactured by a firm other than the actual manufacturer.

On October 27 and November 6, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 81 packages and 26 boxes of gauze pads at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 25 and September 22, 1936, by the Handy Pad Supply Co. from Worcester, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Claflin's Dispenser Type Gauze Pads." The remainder was labeled: "Claflin's Gauze Pads Sterilized \* \* \* Geo. L. Claflin Company \* \* \* Providence, R. I."

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold (carton of a portion)

"Sterilized at 250 Fahr," and (remainder) "Sterilized," since it was not sterile but was contaminated with aerobic and anaerobic micro-organisms.

It was alleged to be misbranded in that the statements on the labels, (a portion) "Sterilized at 250 Fahr \* \* \* Prepared For The Medical Profession," (remainder) "Sterilized," were false and misleading when applied to an article that was not sterile. The article was alleged to be misbranded further in that the statements "Geo. L. Clafin Co. \* \* \* Providence, R. I.," with respect to a portion of the product, and the statements "Clafin's Gauze Pads" and "Geo. L. Clafin Co. \* \* \* Providence, R. I.," with respect to the remainder, were false and misleading since Geo. L. Clafin Co., Providence, R. I., were not the name and address of the manufacturer.

On August 11, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27705. Misbranding of Mineral Life. U. S. v. Henry E. Sampson and Sidney J. Dillon (Mineral Life Laboratories). Pleas of nolo contendere. Fines, \$40 and costs. (F. & D. No. 38595. Sample Nos. 10044-B, 41221-B.)**

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On March 25, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry E. Sampson and Sidney J. Dillon, co-partners trading as Mineral Life Laboratories, Des Moines, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 15, 1935, from the State of Iowa into the State of Texas, and on or about November 21, 1935, from the State of Iowa into the State of Minnesota of quantities of Mineral Life that was misbranded.

Analysis showed that the article consisted essentially of sulphur dioxide (0.1 percent), sulphuric acid (0.04 percent), small proportions of salts of sodium, potassium, calcium, magnesium, manganese, iron, and copper (amounting to 0.1 percent), and water (approximately 99.75 percent).

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a vitalizer, as an aid in the relief of disease, and in the maintenance of body health; effective to assist nature in restoring and maintaining health, to increase body resistance to disease, to supply the blood with alkaline agents and the body with mineral elements, and to correct certain deficiency in diet; and effective as a treatment, remedy, and cure for inflammation, pain, ulceration, catarrh, sinus trouble, sore throat, and cuts.

On April 16, 1937, pleas of nolo contendere were entered by the defendants and the court imposed fines in the total amount of \$40 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27706. Misbranding of Corn King Dry Insecticide. U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 38639. Sample No. 63349-B.)**

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On February 15, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment by said company in violation of the Food and Drugs Act on or about May 7, 1936, from the State of Iowa into the State of Minnesota of a quantity of Corn King Dry Insecticide that was misbranded. The article was labeled in part: "The Shores Company Cedar Rapids, Iowa."

Analysis showed that it consisted of a mixture of naphthalene, sulphur, calcium compounds, and small amounts of creosote oil, sodium fluo-silicate, nicotine (probably present as tobacco powder), and iron compounds.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its curative or therapeutic effects, borne on the package label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for flu in hogs and roup in poultry.

The information charged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1582 published under that act.

On September 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27707. Adulteration and misbranding of Ophthalmic Ointment Yellow Oxide of Mercury, Ophthalmic Ointment Atropine Sulphate, and Lassar's Zinc Paste.** U. S. v. Price Drug Co., Inc., Samuel Thomas, and Philip C. Thomas. Pleas of guilty. Corporation fined \$300; individual defendants each fined \$150. One-half of all fines remitted. (F. & D. No. 38670. Sample Nos. 8104-C, 8258-C, 8756-C.)

This case covered (1) a product sold under a name having the same meaning as "Yellow Mercuric Oxide Ointment," a name recognized in the United States Pharmacopoeia, which contained less mercuric oxide than required by the pharmacopoeia and less mercuric oxide than declared on the label; (2) Ophthalmic Ointment Atropine Sulphate which was represented to contain atropine sulphate but which contained no atropine sulphate; and (3) a product sold under a name having the same meaning as "Paste of Zinc Oxide," a name recognized in the National Formulary, which contained less zinc oxide than prescribed by the formulary and contained no starch, a prescribed ingredient.

On July 26, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Price Drug Co., Inc., New York, N. Y., and Samuel Thomas and Philip C. Thomas, officers of the corporation, alleging shipment by the defendants in violation of the Food and Drugs Act on or about June 3 and June 10, 1936, from the State of New York into the State of Pennsylvania, and on or about July 1, 1936, from the State of New York into the State of New Jersey, of quantities of drug preparations that were adulterated and misbranded. The articles were labeled variously: "Ophthalmic Ointment Yellow Oxide of Mercury 1%"; "Ophthalmic Ointment 1 Dram Atropine Sulphate,  $\frac{1}{2}\%$ "; "Lassar's Zinc Paste N. F." They were further labeled: "Price Drug Co., Inc., New York, N. Y."

The Ointment Yellow Oxide of Mercury was alleged to be adulterated in that it was sold under a name having the same meaning as "Yellow Mercuric Oxide Ointment," a name recognized in the United States Pharmacopoeia; it contained less than 0.9 percent of mercuric oxide, namely, 0.73 percent, the standard of strength, quality, and purity for yellow mercuric oxide ointment as determined by the test laid down in the pharmacopoeia required that it contain not less than 0.9 percent of mercuric oxide; and it therefore differed from the aforesaid standard of strength, quality, and purity. It was alleged to be adulterated further in that it fell below the professed standard and quality under which it was sold, since it was labeled "Ointment Yellow Oxide of Mercury 1%"; whereas it contained not more than 0.73 percent of mercuric oxide. It was alleged to be misbranded in that the statement on the carton label, "Ointment Yellow Oxide of Mercury 1%," was false and misleading since it contained not more than 0.73 percent of mercuric oxide.

The "Ophthalmic Ointment \* \* \* Atropine Sulphate  $\frac{1}{2}\%$ " was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold, since it contained no atropine sulphate. It was alleged to be misbranded in that the statement "Ophthalmic Ointment \* \* \* Atropine Sulphate  $\frac{1}{2}\%$ ," on the carton and tube, was false and misleading since the article contained no atropine sulphate.

Lassar's Zinc Paste, N. F. was alleged to be adulterated in that it was sold under a name having the same meaning as paste of zinc oxide, a name recognized in the National Formulary; it contained less than 25 grams of zinc oxide per 100 grams, namely, 19.6 grams, and no starch—the standard of strength, quality, and purity for paste of zinc oxide as determined by the test laid down in the formulary required that it contain 25 grams of zinc oxide and 25 grams of starch per 100 grams—and therefore the article differed from the aforesaid standard of strength, quality, and purity. It was alleged to be misbranded in that the statement on the jar, "Lassar's Zinc Paste, N. F.," was false and misleading since the article contained less than 25 grams of zinc oxide per 100 grams and no starch.

On October 4, 1937, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$300 against the corporation—of which \$150 was remitted—and fines of \$150 each against Samuel Thomas and Philip C. Thomas, and remitted payment of \$75 as to each.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27708. Misbranding of Vapor Balm and Anti-Pain Ointment. U. S. v. 120 3-Ounce Jars of Vapor Balm, et al. Default decree of condemnation and destruction.** (F. & D. Nos. 38737, 39874. Sample Nos. 19597-C, 19598-C, 42802-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On December 8, 1936, and June 22, 1937, the United States attorneys for the Northern District of Iowa and the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 256 jars of Vapor Balm at Sioux City, Iowa, and 120 jars of the same product, a part of which was labeled "Anti-Pain Ointment," at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about January 29 and December 9, 1936, by the G. A. Goodrich Co. from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Jars) "Vapor Balm \* \* \* Premier Foods, Inc., Sioux City, Iowa." A portion was labeled: (Jars) "Vapor Balm \* \* \* Specialized Lab. Buffalo, N. Y." The remainder was enclosed in cartons labeled, "Anti-Pain Ointment," the jars within the cartons being labeled "Vapor Balm \* \* \* Specialized Lab. Buffalo, N. Y."

Analysis showed that the article consisted essentially of methyl salicylate, menthol, and petrolatum.

It was alleged to be misbranded in that the jar label and the circular bore false and fraudulent representations regarding its effectiveness in the treatment of local congestion and irritation due to colds and other forms of local congestion and irritation, rheumatism, neuralgia, chest colds, congestion and inflammation in any part of the body, muscular soreness, bruises, skin irritations, muscular pains, air passages clogged with mucus and phlegm, coughing and hoarseness; and its effectiveness to induce sleep, to prevent night coughing, and to prevent colds from spreading.

On May 29 and July 26, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27709. Misbranding of Colac Pile Pills. U. S. v. 109 Bottles of Colac Pile Pills. Default decree of condemnation and destruction.** (F. & D. No. 39219. Sample No. 38814-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 16, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 bottles of Colac Pile Pills at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 7, 1936, by the Vasco Products, Inc., from Brentwood, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Colac Chemical Co. Inc. \* \* \* Brentwood, Md. U. S. A. Sole Proprietors."

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "Colac Pile Pills a remedy for all forms of piles and sensitive and inflamed conditions of the rectum. \* \* \* are composed of simple ingredients that heal and strengthen the entire intestinal tract. Dose swallow whole two pills three times daily before or after meals, until all symptoms have disappeared"; (shipping carton) "Colac Pile Pills The Best Remedy Known For Piles Relief Within Twenty-Four Hours."

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27710. Adulteration and misbranding of Swandown Absorbent Cotton. U. S. v. 18 Packages of Swandown Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 38518. Sample No. 12127-C.)

This product was represented to be sterile but was contaminated with viable micro-organisms.

On November 10, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 packages of Swandown

Absorbent Cotton at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 9, 1936, by the Hoffman Lion Mills Co., Inc., from Fall River, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Purest Cotton Obtainable Sterilized—Surgical—Extra Pure," since it was not sterile but was contaminated with both aerobic and anaerobic micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Purest Cotton Obtainable Sterilized—Surgical—Extra Pure," were false and misleading when applied to cotton contaminated with micro-organisms.

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27711. Misbranding of boneset leaves and tops. U. S. v. 272 Packages of Boneset Leaves and Tops. Default decree of condemnation and destruction. (F. & D. No. 39594. Sample No. 22742-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On May 14, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 272 packages of a product labeled, "Boneset Leaves and Tops, N. F.," at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 8, 1936, by S. B. Penick & Co. from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of cut stems, leaves, and tops of boneset.

It was alleged to be misbranded in that the following statements borne on the carton label regarding its curative or therapeutic effects were false and fraudulent: "\* \* \* febrifuge. Efficient remedy for influenza or early stages of muscular rheumatism."

On August 7, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27712. Misbranding of Dr. Sharpsteen's Vegetable Hindoo Oil No. 5, Vegetable Tablets Nos. 1, 2, 3, and 4, and Hindoo Salve No. 16. U. S. v. 9 Bottles of Dr. Sharpsteen's Vegetable Hindoo Oil No. 5, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 39609, 39610, 39611. Sample Nos. 14650-C, 14651-C, 14652-C.)**

These products were all misbranded because of false and fraudulent representations in the labeling regarding their curative and therapeutic effects, and because they were labeled to convey the impression that they had been examined and approved by the Government. They were misbranded further because of an incorrect declaration of chloroform on the label of the Hindoo Oil, the absence of any declaration of chloroform on the label of the Hindoo Salve, and because the labeling of the Vegetable Tablets conveyed the impression that they were composed of fruits of the type ordinarily used as food.

On May 18, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9 bottles of Hindoo Oil No. 5, 19 boxes of Vegetable Tablets Nos. 1, 2, 3, and 4, and 12 boxes of Hindoo Salve No. 16 at Toledo, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 27 and March 1, 1937, by Drs. H. & V. Sharpsteen from Marshall, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Hindoo Oil consisted essentially of chloroform (15 percent by volume), saponifiable oils, and volatile oils including oil of sassafras, oil of cloves, menthol, and camphor; that the vegetable tablets consisted essentially of: (No. 1 brown-coated tablets) Ferrous carbonate, potassium and sodium sulphates, calcium carbonate, and plant drugs, including a strychnine-bearing drug and a laxative plant drug; (No. 2 white-coated tablets) magnesium carbonate, calcium carbonate, and plant drugs including a strychnine-bearing drug and a laxative plant drug; (No. 3 red-coated tablets) ferrous, magnesium, and calcium carbonates and plant drugs including quinine

and a laxative plant drug; (No. 4 brown uncoated tablets) calcium carbonate and plant drugs including a laxative plant drug; and that the Hindoo Salve consisted essentially of small quantities of chloroform and volatile oils, including oil of sassafras and oil of cloves, incorporated in a fatty base.

The Hindoo Oil was alleged to be misbranded in that the statements, "Vegetable Hindoo Oil \* \* \*" and "Vegetable Oil \* \* \*," appearing in the circular, were false and misleading since they represented that the article was a vegetable oil; whereas it contained 15 percent by volume of chloroform, which is not a vegetable oil. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of chloroform contained in the article, since the declaration of chloroform on the carton and bottle label was incorrect.

The vegetable tablets were alleged to be misbranded in that the following statements appearing on the cartons were false and misleading since they created the impression that the preparation was composed of fruits of a type which are ordinarily used for food; whereas they were not: "Vegetable Tablets Composed of Fruits, Roots, Herbs and Seeds. They are a Blood Food and Gland Cleanser."

The Hindoo Salve was alleged to be misbranded in that the package failed to bear on its label a statement of the quantity or proportion of chloroform contained in the article.

The articles were alleged to be misbranded further in that the following statements appearing in the labeling were misleading since they created the impression that the articles had been examined and approved by the Government of the United States and that the Government guaranteed that they complied with the law and that they did so comply; whereas the articles had not been approved by the Government and the Government did not guarantee that they complied with the law, and they did not comply with the law: (Hindoo Oil, bottle and carton) "Dr. Sharpsteen's [on carton, "Drs. H. & V. Sharpsteen's"] Registered Guaranty Complies With The Food and Drugs Act June 30th 1906. Serial No. 7923"; (vegetable tablets, outer carton) "We, the undersigned do hereby guarantee that the articles of Foods or Drugs manufactured, packed or sold by us, Dr. Sharpsteen's Family Medicines, are not adulterated or misbranded within the meaning of the Pure Food and Drug Act of June 30, 1906. Serial No. 7923," (inner cartons) "Guaranteed by Drs. H. and V. Sharpsteen under the Food and Drugs Act, June 30, 1906. Serial No. 7923"; (Hindoo Salve, carton) "Drs. H. & V. Sharpsteen's Registered Guaranty complies with the Food and Drug Act of June 30, 1906. Serial No. 7923"; (all products, circular) "Guaranteed to Comply with the Food and Drug Act of June 30, 1906. Serial No. 7923."

The articles were alleged to be misbranded further in that the bottle label, carton, and circular of the Hindoo Oil bore false and fraudulent representations regarding its effectiveness in the treatment of dyspepsia, colic, stitch, or lame back, gallstones, dropsy, la grippe, coughs, inflammation, collection of gas in stomach and bowels, tape, stomach and pin worms, appendicitis, rheumatism, burns, fistula, piles, constipation, nasal catarrh, consumption, salt rheum, eczema, dryness of the skin, headache, darting pains, neuralgia of the eye, ear, face and teeth, colds, weak lungs, whispery voice, pneumonia, toothache, ulcerated teeth, influenza, attacks in the neck and crown of head, eyeache, earache, cheek and temple ache, ulcers at the juncture of the nose, and ear duct, back-ache, lame hips, knees, feet and toes, swollen hands and feet, gravel, diabetes, Bright's disease, dropsy of chest, heart and bowels, skin poisons, pimples, blotches, blackheads, croup, quinsy and pleurisy. The cartons and circulars of the vegetable tablets bore false and fraudulent representations regarding their effectiveness in the treatment of stomach, liver, spleen and blood diseases, muscular, sciatic, and inflammatory rheumatism, swollen tonsils, tonsillitis, catarrh, bronchitis, asthma, pneumonia, weak palpitating heart, bloating of stomach and bowels, coughs, phlegm, dyspepsia, nervousness, spleen and liver sickness, kidney troubles, eczema, erysipelas, gallstone of the liver, gravel from the bladder, la grippe, colds which affect the eye, ear, teeth, face and neck, piles, jaundiced complexion, organic, glandular and bodily sickness; and the metal container, carton, and circular of the Hindoo Salve bore false and fraudulent representations regarding its effectiveness in the treatment of pneumonia, lung fever, membranous or common croup, quinsy, caked or agued breast, sore nipples, blind or external piles, chronic constipation or clogged

bowels, internal or external sores and ulcers, inflammation or granulation of the eye, throat and mouth ulcers, inflammation of the stomach, lungs, kidneys, spleen, liver, appendix and bladder, burns and scalds, frosted flesh, frozen feet, corns and ingrowing toe nails, blisters and eczema and all ailments that a salve can be used for.

On August 2, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27713. Adulteration and misbranding of Migro-Powder. U. S. v. 24 Boxes of Migro-Powder. Default decree of condemnation and destruction. (F. & D. No. 39636. Sample No. 33698-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects. The article fell below the professed standard under which it was sold, since each powder was represented to contain 6 grains of acetanilid but in fact contained a less amount.

On June 3, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes of Migro Powder at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about March 12, 1937, by C. J. Czarnecki from Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Envelope) "Migro-Powder contains 288 Grs. Acetanilid Per Oz. Each powder contains 6 Crs. (sic) Acetanilid Wts. 10 Grs. Contents 2 Powder."

Analysis showed that the article consisted essentially of acetanilid (4.3 grains per powder), sodium bicarbonate, and lactose.

It was alleged to be adulterated in that the statement on the envelope, "Each Powder Contains 6 Crs. Acetanilid," represented that it contained not less than 6 grains of acetanilid per powder; whereas the strength of the article fell below the professed standard under which it was sold, since the powders contained less acetanilid than represented.

The article was alleged to be misbranded in that the statement "Each Powder Contains 6 Crs. Acetanilid," borne on the envelope, was false and misleading. It was alleged to be misbranded further in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Display carton) "Migro \* \* \* for \* \* \* Neuralgia \* \* \* and Grippe"; (envelope) "Migro \* \* \* Intended to Relieve \* \* \* Grippe and Neuralgia Directions: Place a powder upon the tongue and take a swallow of water. If necessary repeat in half an hour."

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27714. Misbranding of Dr. Miller's Tonic Prescription. U. S. v. 23 Bottles of Dr. Miller's Tonic Prescription. Default decree of condemnation and destruction. (F. & D. No. 39650. Sample No. 34246-C.)**

This product was misbranded because its labeling bore false and fraudulent representations regarding its curative or therapeutic effects and failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On June 3, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Dr. Miller's Tonic Prescription at East Chicago (Indiana Harbor), Ind., alleging that the article had been shipped in interstate commerce on or about May 3, 1937, by the International Research Laboratory from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, sugar, alcohol, and extracts of plant drugs including a laxative plant drug.

It was alleged to be misbranded in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article. It was alleged to be misbranded further in that the following statements appearing in the label regarding its curative or therapeutic effects were false and fraudulent: "Tonic Prescription For Cleansing The Stomach, Liver, Kidneys, Bowels and Blood From Accumulated Impurities This Prescription is Highly Valuable in the Treatment of \* \* \* Billiousness, Sick Headache, Insomnia,

Dizziness, Indigestion, Stomach Trouble, Sour or Acid Stomach, Ulcers of the Stomach, Gas in Stomach, Heartburn, Loss of Appetite, Gall Stones or Gravel, Gall Bladder Infection, Liver Complaints, Nervousness, Neuritis, Palpitation of the Heart, High Blood Pressure, Rheumatism, Sciatic, Gout, Lumbago, Muscular Aches, Uric Acid in the Blood, Kidney Disorders, Pains in the Back, Bladder Trouble, Painful and frequent Urination, Skin Diseases, Anemia, Impure Blood, Tired Feeling, Coughs and Colds. LaGrippe and General Run Down System."

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27715. Misbranding of Little Wonder Page's Inhalers (cigarettes). U. S. v. 17,000 Packages of The Little Wonder Page's Inhalers. Default decree of condemnation and destruction.** (F. & D. No. 39653. Sample No. 33655-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 26, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17,000 packages of Little Wonder Page's Inhalers at Fort Wayne, Ind., alleging that they had been shipped in interstate commerce on or about February 16, 1937, by the Consolidated Chemical Co. from Grand Rapids, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material, chiefly stramonium leaves.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the carton, were false and fraudulent: "Nature has provided a way for Asthma, Hay Fever, Catarrh, Bronchitis, Hoarseness, \* \* \* etc. \* \* \* Medicines in liquid form cannot reach the lungs and bronchial tubes, \* \* \* therefore inhalation is the way to reach those diseases. Our remedy is put up in cigarette form for the convenience of inhaling, thereby reaching the afflicted parts. The Dry Medicated Smoke Does It. \* \* \* Nothing better for Catarrh, Bronchitis, Asthma, Hay Fever, Hoarseness."

On June 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27716. Adulteration and misbranding of citrate of magnesia. U. S. v. Lane Drug Stores, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. No. 38659. Sample No. 13386-C.)**

This product differed from the standard laid down in the United States Pharmacopoeia since it contained materially less magnesium citrate than prescribed therein.

On June 19, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lane Drug Stores, Inc., Atlanta, Ga., alleging shipment by said company in violation of the Food and Drugs Act on or about September 2, 1936, from the State of Georgia into the State of Florida of a quantity of citrate of magnesia that was adulterated and misbranded. The article was labeled in part: "Lane Drug Stores, Incorporated, Laboratories, Atlanta, Ga."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since 100 cubic centimeters of the article contained magnesium citrate corresponding to less than 1.6 grams, namely, not more than 0.54 gram of magnesium oxide, and 10 cubic centimeters of the article after precipitation and conversion of the citric acid into an ash, required less than 26 cubic centimeters, namely, not more than 14.9 cubic centimeters of half-normal hydrochloric acid to neutralize the alkalinity of the ash; and its own standard of strength, quality, and purity was not declared on the container.

The article was alleged to be misbranded in that the statement "Citrate of Magnesia U. S. P." borne on the bottle cap, was false and misleading since it represented that the article was citrate of magnesia which conformed to the

standard laid down in the pharmacopoeia; whereas it was not citrate of magnesia which conformed to the standard laid down in the pharmacopoeia.

On July 14, 1937, a plea of nolo contendere was entered and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27717. Misbranding of Anti-Pain Liniment. U. S. v. 225 Jars of Anti-Pain Liniment. Default decree of condemnation and destruction. (F. & D. No. 39677. Sample No. 42771-C.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 4, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 jars of Anti-Pain Liniment at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 11, 1937, by Strong, Cobb & Co., Inc., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of methyl salicylate, oil of eucalyptus, and oil of turpentine incorporated in petrolatum.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the jar label, were false and fraudulent: "Anti-Pain Liniment \* \* \* For Pains \* \* \* An invaluable remedy for Neuralgic Pains, Rheumatism, Pains in Side, Chest or Back, \* \* \* Sore Throat, Bronchial Affections, etc."

On July 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27718. Misbranding of Si-Noze. U. S. v. 29 Bottles and 23 Bottles of Si-Noze. Default decree of condemnation and destruction. (F. & D. No. 39673. Sample No. 34408-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On June 11, 1937, the United States attorney for the Northern District of Indiana, acting upon report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 large bottles and 23 small bottles of Si-Noze at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about February 16 and April 23, 1937, by the Si-Noze Products from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of benzocain, ephedrine, camphor, and menthol dissolved in a mixture of mineral oil and fatty oil.

It was alleged to be misbranded in that the following statements and design appearing in the labeling regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "Si-Noze \* \* \* For Sinus—Hay Fever—Catarrhal \* \* \* or Nasal Infections"; (carton) "Si-Noze \* \* \* For Sinus, Hay Fever Catarrhal \* \* \* And Nasal Infections"; (circular) "Si-Noze \* \* \* For Sinus, Hay Fever, Catarrhal \* \* \* [anatomical design of head] beneficial for the relief of various nasal conditions, \* \* \* quick relief to the irritated and inflamed tissues. Bear in mind that nasal conditions are usually of long standing—so be patient with Si-Noze \* \* \* for Sinus Hay Fever Catarrhal \* \* \* And Nasal Infections."

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27719. Misbranding of Laxative aspirin. U. S. v. 60 Dozen Packages of Mincin Laxative-Aspirin. Default decree of condemnation and destruction. (F. & D. No. 39684. Sample No. 37098-C.)**

This product was misbranded because of false and fraudulent representations in the labeling regarding its curative and therapeutic effects, because of failure of the label to bear a plain and conspicuous statement of the quantity or proportion of acetanilid contained in the article, and because its name conveyed the misleading impression that it contained a substantial amount of aspirin.

On June 11, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 60 dozen packages of Mimein Laxative-Aspirin at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about November 18, 1935, by Miller Medicals, Inc., from Indianapolis, Ind., charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetanilid (1 grain per tablet), aspirin ( $\frac{1}{10}$  grain per tablet), and plant drugs including caffeine, cascara sagrada, and aloin.

The article was alleged to be misbranded in that the designation "Laxative-Aspirin" was false and misleading when applied to an article that contained an insignificant amount of aspirin. It was alleged to be misbranded further in that the package failed to bear a statement of the quantity or proportion of acetanilid that it contained, since no declaration appeared on the carton and the declaration of acetanilid appearing on the box was inconspicuous. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Box label) "For \* \* \* Flu; Adults, 2 tablets every two hours until 3 or 4 doses have been taken, then 1 or 2 tablets every 4 or 5 hours until relieved. \* \* \* For children 12 years old 1 tablet (or less). For children under 12 years break tablet and give in proportion to age and size. For headache: Take 2 tablets, repeat in thirty minutes if not relieved. \* \* \* For Flu \* \* \* Safe for children"; (circular) "Although designed as an unexcelled relief and prevention of 'Flu' and Colds with aching and pains, Mimein Laxative-Aspirin has been found most beneficial throughout the year. Whenever the system seems sluggish, the mind dull and energy depleted, take Mimein Laxative-Aspirin. Like magic these tablets stimulate the excretion of the body waste and poisons, clear the brain and reduce nerve tension, thereby restoring health and reviving ambition. \* \* \* only time tested ingredients so compounded and balanced to effectively reduce fever, banish chills, the throbbing headache and general body aches and pains incident to 'Flu' and deep seated colds. \* \* \* is especially safe for children. For Colds, Adults, for quick relief. 2 tablets every 2 hours until 3 or 4 doses have been taken, unless the bowels move freely; then reduce the dose to 2 tablets every 4 or 5 hours until relieved. \* \* \* For children of 12, 1 tablet (or less) is the usual dose. For children under twelve, tablets should be broken and given according to age. For Headaches: Take 2 tablets. Repeat in thirty minutes if not relieved. For 'That Tired Feeling' or general indisposition to effort, or sluggishness at any time during the year whether or not accompanied by aches or pains, take 1 tablet after meals and 1 tablet before retiring."

On August 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

**27720. Misbranding of Corona Wool Fat Compound. U. S. v. 71 Cans of Corona Wool Fat Compound. Default decree of condemnation and destruction.**  
(F. & D. No. 33685. Sample No. 34054-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 cans of Corona Wool Fat Compound at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 23, 1937, by the Corona Manufacturing Co. from Kenton, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of hydrous wool fat containing a small proportion of sodium chloride perfumed with oil of wintergreen.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "'The Healing Ointment of a Hundred Uses' For Cuts, Wounds, Sores, \* \* \* Boils, \* \* \* Etc. On Man or Beast \* \* \* More Healing \* \* \* Reduces Inflammation, Relieves Pain, Absorbs Poisons. \* \* \* Sores \* \* \* Boils, Cuts, \* \* \* Piles, Wounds of any kind \* \* \* It should Quickly Allay the Pain, \* \* \* Heal the Wound \* \* \* For Grease Heel, Scratches, Mud Fever, Thrush, etc., \* \* \* Barb Wire Cuts, \* \* \* Inflamed Udder: To allay inflammation of the udder \* \* \* For

Stubborn Cases of Barb Wire Cuts, Grease Heel, Hard and contracted Feet, Seemingly incurable running sores on neck and shoulders, etc."

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27721. Misbranding of Emulsified Dionol. U. S. v. 1,762 Bottles of Emulsified Dionol. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 39689. Sample No. 38071-C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects. It was also labeled to indicate that it consisted of emulsified hydrocarbon oils; whereas it was not an emulsion, and contained ingredients other than hydrocarbon oils.

On June 7, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,762 bottles of Emulsified Dionol at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce between the dates of January 14 and May 12, 1937, by the Dionol Co. from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of mineral oil (upper layer), with water and alcohol (lower layer), flavored with methyl salicylate.

It was alleged to be misbranded in that the following statements were false and misleading: (Bottle) "Emulsified \* \* \* pure hydro-carbon oils," (carton) "Emulsified \* \* \* a pure, selected hydro-carbon oil."

It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects were false and fraudulent; (Bottle) "Used in internal inflammatory processes, gastric and duodenal ulcerations, gastritis, colitis, etc. Also as a lubricant in impaction and allied affections"; (carton) "Useful as a lubricant in impaction \* \* \* and allied affections."

On August 17, 1937, the Dionol Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27722. Misbranding of Monitol Bath Treatment. U. S. v. 28 Cans of Monitol Bath Treatment (and two other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 39691, 39692, 39693. Sample Nos. 33670-C, 42769-C, 42770-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects. It was misbranded further because it was labeled to convey the impression that it was a naturally occurring substance; whereas it was a manufactured substance.

On June 8 and June 10, 1937, the United States attorneys for the Western District of New York and the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 59 dozen cans of Monitol Bath Treatment at Buffalo, N. Y., and 28 cans of Monitol Bath Treatment at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about February 10 and April 12, 1937, by the H. A. Montgomery Co. from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of water and an ichthammollike material.

The article was alleged to be misbranded in that the following statements borne on the metal container were false and misleading when applied to an article that was not a naturally occurring substance: "Monitol is an organic substance of mineral origin \* \* \* Monitol as it comes to you in this container, is a chemical refinement of a prehistoric substance, that oozes to the surface of the earth in pools in a few places on our western plains." It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Metal container) "Relief from pain is usually experienced after the first Monitol bath. Additional Monitol baths from time to time give increasing relief in most cases. Obstinate cases may require a Monitol bath daily for several days in suc-

sion before relief is experienced. \* \* \* Arthritis Rheumatism Neuritis Sciatica and Lumbago \* \* \* its therapeutic value was demonstrated as a veterinary treatment during a cattle pestilence. Its present form and use by human beings as a bath treatment for relief from the pains of arthritis, rheumatism, sciatica, neuritis and lumbago is the result of many years of laboratory and clinical experiment and demonstration. \* \* \* offered with sincere belief in its value as a pain relieving agent"; (shipping carton) "Bath Treatment for Relief From the Pains of Arthritis and Rheumatism."

On July 26 and August 11, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27723. Misbranding of Histosan.** U. S. v. 45 Bottles of Histosan (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 39700, 39701, 39721. Sample Nos. 31637-C, 33570-C, 37097-C.)

The label of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On or about June 14 and June 17, 1937, the United States attorneys for the Southern District of Ohio and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 57 bottles of Histosan at Cincinnati, Ohio, and 37 bottles of Histosan at Chicago, Ill., alleging that the article had been shipped in interstate commerce from New York, N. Y., in part on or about March 1 and May 7, 1937, by Histosan, Inc.; and in part on or about February 26 and April 29, 1937, by the Ernest Bischoff Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of sugar, water, alcohol, and small amounts of guaiacol, ammonium chloride, sodium chloride, sodium sulphate, and protein material.

The article was alleged to be misbranded in that the following statements contained in the circular shipped with it, regarding its curative and therapeutic effects, were false and fraudulent: "For use in acute and chronic bronchitis, pneumonia and other pulmonary diseases. \* \* \* Simple colds, and the complications which follow, have an alarmingly high rate of mortality. Much of this suffering and loss of time from business is preventable. The cold which progresses to bronchitis might have been checked by a proper early treatment. The sequel of pneumonia might have been avoided. The recurrent colds which weaken the system and predispose to tuberculosis should be constantly guarded against. Nearly a century ago creosote was found to be of great value in the treatment of pulmonary ailments. Its usefulness in some bowel conditions was also proven. \* \* \* creosote possessed valuable antiseptic \* \* \* properties. The finest creosote \* \* \* was irritating to the sensitive membranes and could not be given over long periods. \* \* \* Many chronic conditions were thus beyond the reach of this valuable agent, for, before a cure could be effected, the patient's stomach would become so upset that the remedy would have to be discontinued. Many prominent investigators endeavored to produce a creosote without objectionable properties. \* \* \* Further work resulted in the chemical combination of guaiacol with albumen, forming the product so favorably known as Histosan. All of the curative properties of creosote were retained and even intensified while the unpleasant qualities were removed. Histosan has for many years been employed most satisfactorily in the treatment of pulmonary troubles. Colds treated with Histosan reach an early termination without complications. Coughs of every character are relieved and their tendency to become chronic is lessened. Bronchitis yields to the soothing properties of Histosan and the troublesome cough is allayed without the use of opiates. Phthisis in its incipiency is favorably influenced and, with proper dietetic regulations and climatic conditions, may be effectively checked. Even in the later stages of chronic tuberculosis Histosan offers the sufferer a considerable measure of relief in that it promotes expectoration and controls the distressing bronchial cough. Tonic. Aside from its beneficial effects in respiratory disorders Histosan exerts a very pronounced tonic action. In this way it adds much to the general well being of the sufferer. \* \* \* Cough is controlled \* \* \* Tonic action causes patient to gain weight. \* \* \* In respiratory affections. \* \* \* Tonic effect is obtained."

On July 14 and August 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27724. Misbranding of Bering Ear Oil. U. S. v. 37 Bottles of Bering Ear Oil. Default decree of condemnation and destruction. (F. & D. No. 39713. Sample No. 15167-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On June 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bottles of Bering Ear Oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1936, by Heide & Sons from Stillwater, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bering Ear Oil \* \* \* Heide & Sons St. Paul, Minn."

Analyses showed that the article consisted essentially of a saponifiable oil, such as fish oil, and a small amount of methyl salicylate.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "Have You? 1. Defective Hearing? 2. Buzzy and Noisy Ears? \* \* \* 4. Difficulty with Ears after swimming? \* \* \* 6. Painful and aching Ears?"; (carton label) " \* \* \* Relief for 1. Defective Hearing. 2. Buzzy and noisy ears. \* \* \* 4. Difficulty with ears after swimming. \* \* \* 6. Earache. \* \* \* Bering Ear Oil is not sold as a Cure-All for deafness, although it sometimes helps the hearing. \* \* \* For Acute Earache in Adults or Children \* \* \* Ears get stiff, itchy and hard and so lack pliability—Likewise get dull and noisy"; (circular) "Have You? 1. Diminished hearing? 2. Buzzy and noisy ears? \* \* \* 4. Difficulty with ears after swimming? \* \* \* 6. Earache? Then, use Bering Ear Oil! \* \* \* is a great comfort and aid to those with the troubles mentioned. \* \* \* Ears get dry, hard, stiff, itchy, dull and noisy. Use Bering Ear Oil and note the difference. \* \* \* for ear ache. Bering Ear Oil is very useful to relieve the pain of children and adults—acute ear aches."

On July 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27725. Misbranding of Dr. Isaac's Big Jim and Dr. Isaac's Big Jim Healing Fluid. U. S. v. 15 Bottles of Dr. Isaac's Big Jim, et al. Default decree of condemnation and destruction. (F. & D. Nos. 39717, 39718. Sample No. 22744-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On June 17, 1937, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages, each containing a large bottle of Doctor Isaac's Big Jim and a small bottle of Doctor Isaac's Big Jim Healing Liquid, at Valdosta, Ga., alleging that the articles had been shipped in interstate commerce on or about March 26, 1937, by the Tampa Drug Co. from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Big Jim consisted essentially of potassium iodide (52 grains per fluid ounce), alcohol, water, and extracts of plant drugs; and that the Big Jim Healing Liquid consisted essentially of mercuric chloride (approximately 6 percent) dissolved in water.

The articles were alleged to be misbranded in that the following statements in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Doctor Isaac's Big Jim, bottle) "For Impure Blood, For Boils, Sores, Eruptions, &c. \* \* \* After the symptoms have disappeared continue the use of 'Big Jim', in half doses for a few months"; (carton) "For Impure Blood For Rheumatism For Boils, Sores, Eruptions, &c. &c."; (Dr. Isaac's Big Jim Healing Liquid, bottle) "Healing Liquid \* \* \* Saturate the piece of cotton with the liquid and apply to 'Sore' twice daily. Wash the parts affected at least once a day with soap and water so as to keep same in healthy \* \* \* condition."

On July 31, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27726. Adulteration and misbranding of Hospital Absorbent Cotton. U. S. v. 20 Gross Packages of Hospital Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 40037. Sample No. 67454-C.)

This product was represented to be sterile but in fact was contaminated with viable micro-organisms.

On August 4, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 gross packages of Hospital Absorbent Cotton at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 6, 1937, by the Bruce-Murray Corporation from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sterilized Purified Acme Cotton Products Co., Inc. New York."

It was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Hospital Absorbent Cotton Sterilized Purified," since it was not sterile but was contaminated with viable micro-organisms, including gas-producing organisms.

The article was alleged to be misbranded in that the following statements on the label were false and misleading when applied to an article that was not sterile: "Hospital Absorbent Cotton Sterilized Purified Sterilized Absorbent Cotton Acme \* \* \*."

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27727. Misbranding of Count's Kill Germ. U. S. v. 11 Bottles and 45 Bottles of Count's Kill Germ. Default decree of destruction.** (F. & D. Nos. 39952, 39953. Sample Nos. 37068-C, 37069-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects, and also bore false and misleading representations regarding its alleged effectiveness as a germicide.

On July 8, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 56 bottles of Count's Kill-Germ at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about December 7 and December 31, 1936, by Count's Chemical Co. from Nashville, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil, with small amounts of pine-needle oil and water. Bacteriological examination showed that it was devoid of antiseptic properties.

The article was alleged to be misbranded in that the statement "Kill-Germ," borne on the wrapper and bottle, was false and misleading since it represented that the article would kill germs; whereas it was devoid of germicidal properties.

It was alleged to be misbranded further in that the following statements on the wrapper and bottle, regarding its curative or therapeutic effects, were false and fraudulent: (Wrapper) "The Healer of the Age;" (bottle) "Kill-Germ. Recommended for: Rheumatism, coughs, colds, asthma, indigestion, catarrhal bronchitis, catarrah of the stomach or ulcerated stomach, and as a blood purifier. For sores, burns, boils, carbuncles, felonies, \* \* \* cuts, ringworm, erysipelas, gaulds, \* \* \* any inflammation of the mucous membranes, eye, ear, nose, or throat. \* \* \* For piles or hemorrhoids."

On August 17, 1937, no claimant having appeared, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27728. Adulteration and misbranding of nitrous oxide. U. S. v. 2 Cylinders of Nitrous Oxide. Default decree of condemnation and destruction.** (F. & D. No. 39958. Sample Nos. 34335-C, 34336-C.)

This product was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard established by that authority because of the presence of gas or gases other than nitrous oxide in excess of the tolerance permitted by the pharmacopoeia.

On July 10, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cylinders of nitrous oxide

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13 and June 11, 1937, by the Cheney Chemical Co. from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cheney Nitrous Oxide For Anesthesia."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, nitrous oxide, but differed from the standard of strength, quality, and purity as determined by the test laid down therein, and its own standard of strength, quality, and purity was not stated on the container.

It was alleged to be misbranded in that the statement on the label, "Nitrous Oxide, \* \* \* It is free from all impurities," was false and misleading when applied to an article containing an excessive amount of gases other than nitrous oxide.

On August 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed and the cylinders turned over to the Cheney Chemical Co., Chicago, Ill.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27729. Adulteration and misbranding of Pituestrin ampuls and tablets. U. S. v. 72 Boxes of Pituestrin Ampuls and 330 Bottles of Pituestrin Tablets. Default decree of condemnation and destruction. (F. & D. Nos. 39963, 40020. Sample Nos. 37880-C, 37881-C.)**

These products contained smaller amounts of follicular ovarian hormone than declared, the ampuls containing approximately 15 percent of the amount declared and the tablets containing an insignificant amount, if any.

On July 14 and July 29, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 72 boxes of Pituestrin ampuls and 330 bottles of Pituestrin tablets at New York, N. Y., alleging that the articles had been shipped from Rome, Italy, by the Istituto Terapeutico Romano on or about November 5, 1936, and April 19, 1937, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold, since the ampuls were labeled, (box and ampul) "Pituestrin"; (box) "Each Ampoule contains \* \* \* Follicolin (Follicolar Ovarian Hormone) 300 I. U.," whereas they contained less than 45 international units of folliculin (follicular ovarian hormone), which was less than 15 percent of the labeled potency; and the tablets were labeled, (box and bottle) "Pituestrin, \* \* \* Each tablet contains \* \* \* Follicolin (Follicular Ovarian Hormone 100 I. U.)," whereas they contained an inconsequential amount of, if any, folliculin (follicular ovarian hormone).

The articles were alleged to be misbranded in that the above-quoted statements on the boxes, ampuls, and bottles were false and misleading.

On July 29 and September 8, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27730. Adulteration and misbranding of Glover's Imperial Laxative Pills for Dogs and Cats. U. S. v. 54 Packages of Glover's Imperial Laxative Pills for Dogs and Cats. Default decree of condemnation and destruction. (F. & D. No. 40033. Sample No. 47034-C.)**

This product contained smaller percentages of calomel and strychnine sulphate than declared on the label.

On August 3, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 packages of the above-described product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 26, March 6, and March 24, 1937, from New York, N. Y., by H. Clay Glover Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of calomel (3.8 percent), strychnine sulphate (0.15 percent), stramonium, caraway seed, licorice root, and coating material.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Calomel 75%, Strychnine Sulphate .6%", since the article contained much less than 75 percent of calomel and much less than 0.6 percent of strychnine sulphate.

The article was alleged to be misbranded in that the statements "Calomel 75% \* \* \* Strychnine Sulphate .6%", borne on the carton and can, were false and misleading, since it contained much less than 75 percent of calomel and less than 0.6 percent of strychnine sulphate.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27731. Misbranding of Grandma's Dia-Col. U. S. v. 140 Bottles of Grandma's Dia-Col. Default decree of condemnation and destruction. (F. & D. No. 39985. Sample No. 47783-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It also contained less alcohol than declared on the label.

On July 26, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bottles of Grandma's Dia-Col at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by the Park Laboratory Co., Inc., from San Antonio, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs, small proportions of camphor, menthol, and capsicum, alcohol (28 percent by volume), glycerin, and water.

The article was alleged to be misbranded in that the statement on the carton and bottle, "One Fl. Oz. Contains 38.45% Alcohol," was false and misleading since each fluid ounce of the article contained less than 38.45 percent of alcohol. It was alleged to be misbranded further in that its package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. It was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle label) "Colic and Diarrhoea Medicine \* \* \* For The Relief Of Intestinal Cramps Colic And Diarrhoea"; (carton, in English) "Antidiarrhoeic \* \* \* Astringent for simple diarrhoea in adults and children due to imprudent diet and to relieve the distress of the resulting pain in stomach and bowels. This preparation was formerly labeled Grandma's Colic and Diarrhoea Medicine \* \* \* 'Diacol' is not recommended for the colic pain that is caused by Appendicitis, Gall Stones or Amoebic Dysentery. Neither is it recommended for the diarrhoea caused from pneumonia, scarlet fever, or other organic disturbances"; (carton, in Spanish) "Antidiarrheic \* \* \* sedative of the intestinal colics which have their origin in meteorism. \* \* \* This medicine is not recommended for the colics resulting from gall-stones or amebic dysentery, neither is it recommended for diarrheas caused by organic diseases such as pneumonia, scarlet fever, typhoid, etc."; (circular) "Formerly known as 'Grandma's Colic and Diarrhoea Remedy'. \* \* \* is used regularly \* \* \* for treating what is commonly known as diarrhoea and colic. \* \* \* It will generally give prompt relief from pain in the stomach and bowels, and from intestinal cramps. If the diarrhoea is caused from eating indigestible food, unripe fruit, uncooked starchy vegetables, or spoiled food, you should first take a moderate dose of castor oil with about twenty drops of paregoric to prevent griping. As soon as the oil acts, use 'Diacol' according to directions. You never know when sudden illness is going to strike either you, or some member of your family. It is best to always be prepared to cope with such an emergency"; (brown wrapper, in English) "Diarrhoea Remedy For Diarrhoea, Colic, Dysentery, Cholera Infantum, Bloody Flux, etc."; (brown wrapper, in Spanish) "Grandma's Cure for Diarrhea A sure cure for Diarrhea, Colic, Dysentery, Colics Of Children, Tenesmus, Asiatic Cholera, etc.); (shipping carton) "\* \* \* Colic And Diarrhoea Medicine."

On August 31, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27732. Misbranding of Trents Eucalyptol Compound.** U. S. v. 216 Packages and 65 Packages of Trent's Eucalyptol Compound. Default decree of condemnation and destruction. (F. & D. Nos. 39947, 39948. Sample Nos. 31539-C, 31540-C, 31541-C, 31548-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On July 14, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 281 packages of Trents Eucalyptol Compound at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce in various shipments between the dates of November 10, 1936, and April 19, 1937, by John J. Samuels from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Trents Eucalyptol Compound \* \* \* Prepared by John J. Samuels, Chicago, Ill."

Analyses showed that the article consisted essentially of water, sugar, gum, and small proportions of eucalyptol and menthol.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, were false and fraudulent: (All bottles, cartons, and wrappers) "Effective in the treatment of Coughs \* \* \* Hoarseness, Irritated \* \* \* Throat and other ailments of the air passages \* \* \* Where the cough is troublesome and continuous take small doses, from fifteen to twenty drops every fifteen minutes"; (some cartons and wrappers) "The use of Eucalyptus in the treatment of throat and lung affections \* \* \* has won a reputation as a curative agent \* \* \* It is prompt and effective"; (other cartons) "The use of Eucalyptus in the treatment of throat affections \* \* \* has won a reputation \* \* \* It is prompt and effective."

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27733. Adulteration and misbranding of ampuls of Postpituitary and of Post-Pituitary extract.** U. S. v. 58 Boxes of Postpituitary and 2 Boxes of Post-Pituitary Extract. Default decree of condemnation and destruction. (F. & D. Nos. 39945, 39946. Sample Nos. 27474-C, 27475-C.)

These products fell below the professed standard of strength under which they were sold, the former having a potency of about one-twentieth of that declared on the label and the latter having a potency not exceeding one eight-hundredth of its designated strength.

On July 8, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 boxes, each containing 6 ampuls of Postpituitary, and 2 boxes, each containing 6 ampuls of Post-Pituitary extract, at New York, N. Y., alleging that the articles had been shipped from Rome, Italy, by Istituto Terapeutico Romano into the State of New York, the former on or about April 9, 1937, and the latter on or about November 7, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The Postpituitary was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each cc. corresponds to 10 U. I. [Unite Internazionale, i. e. international units]," since the strength of the article did not exceed one-half international unit per cubic centimeter. The Post-Pituitary extract was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton) "1 cc. of this solution corresponds to gm. 0.2 of fresh post-pituitary substance," since its strength did not exceed one eight-hundredth of its label declaration.

The Postpituitary was alleged to be misbranded in that the statement "Ampoules Postpituitary" was misleading since it led the purchaser to believe that the article consisted of ampuls containing liquor pituitarii posterii of the strength set forth in the United States Pharmacopoeia; whereas it did not consist of ampuls containing liquor pituitarii posterii of the strength set forth in the pharmacopoeia. It was alleged to be misbranded further in that the statement on the carton, "Each cc. corresponds to 10 U. I." was false and misleading since its strength did not exceed one half an international unit per cubic centimeter. The Post-Pituitary extract was alleged to be misbranded

in that the statement "Vials Post-Pituitary Extract" was misleading since it led the purchaser to believe that the article consisted of vials containing liquor pituitarii posterii of the strength set forth in the United States Pharmacopoeia; whereas it did not consist of vials containing liquor pituitarii posterii of the strength set forth in the pharmacopoeia. It was alleged to be misbranded further in that the statement on the carton, "Each cc. of this solution corresponds to gm. 0.2 of fresh post-pituitary substance," was false and misleading since the strength of the article did not exceed one eight-hundredth of its labeled declaration.

On July 26, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27734. Misbranding of Sitroux-Aids.** U. S. v. 153 Cases, et al., of Sitroux-Aids. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 38955, 39057. Sample Nos. 14975-C, 14979-C, 33909-C.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On January 15, January 22, and February 8, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 392 cases of Sitroux-Aids at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the Sterilak Co., Inc., from Utica, N. Y., between the dates of November 6, 1936, and January 12, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tissue paper containing small amounts of menthol and essential oils, such as oil of cedar and oil of eucalyptus.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Retail package) "Used for \* \* \* hay fever, sinus \* \* \* they are ideal in cases of \* \* \* \* hay fever, rose fever or other nasal irritations"; (display card in some shipping cases) "Sitroux-Aids \* \* \* Used for \* \* \* hay fever \* \* \* sinus."

On July 21, 1937, the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27735. Adulteration of aromatic spirit of ammonia.** U. S. v. Edward T. Ahern and Cyril F. Ahern (Connecticut Chemical & Disinfectant Co.). Pleas of nolo contendere. Fine, \$25. (F. & D. No. 33925. Sample No. 68276-A.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the pharmacopoeial standard.

On January 13, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward T. Ahern and Cyril F. Ahern, trading as the Connecticut Chemical & Disinfectant Co., New Haven, Conn., alleging shipment by said defendants on or about February 2, 1934, from the State of Connecticut into the State of New Hampshire of a quantity of aromatic spirit of ammonia that was adulterated. The article was labeled in part: "Standard Aromatic Spirit of Ammonia \* \* \* Standard Pharmacal Co., New York City."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained not more than 72.9 cubic centimeters of ammonia water per 1,000 cubic centimeters; whereas the pharmacopoeia provides that aromatic spirit of ammonia shall contain in each 1,000 cubic centimeters not less than 90 cubic centimeters of ammonia water, and the standard of strength, quality, and purity of the article was not declared on the container.

On September 22, 1937, the defendants entered pleas of nolo contendere and the court imposed a single fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27736. Adulteration and misbranding of bandages. U. S. v. 19 Dozen Packages of Self-Adhering Gauze Bandages (and 1 other seizure action). Default decree of condemnation and destruction. (F. & D. Nos. 39703, 39831. Sample Nos. 20861-C, 20889-C.)**

These products were represented to be sterile, but were not sterile since they contained viable micro-organisms, including gas-producing organisms. The labeling of the Self-Adhering Gauze Bandage bore false and fraudulent curative and therapeutic claims.

On June 12 and July 3, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24½ dozen packages of bandages at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about April 16 and June 3, 1937, by the Hanover Sales Co. from Boston, Mass., and charging adulteration and misbranding of the articles in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Fabco Self-Adhering Gauze Bandage \* \* \* Fully Sterilized [or "Fabco Medicated Sterilized Bandage"] Fully sterilized \* \* \* First Aid Bandage Co., Leominster, Mass."

The articles were alleged to be adulterated in that their purity fell below the professed standard under which they were sold in the following respects: The Self-Adhering Gauze Bandage was labeled, "Fully Sterilized," but was not sterile since it contained viable micro-organisms, including gas-producing organisms; the medicated sterilized bandage was labeled, "Sterilized Bandage \* \* \* Dirt and Germ Proof," but was not sterile since it contained viable gram-positive sporulating aerobic and anaerobic gas-producing bacteria.

They were alleged to be misbranded in that the statement "Fully sterilized" with respect to the former and the statements "Sterilized bandage \* \* \* Dirt and Germ Proof \* \* \* First Aid Bandage Co.," with respect to the latter, were false and misleading when applied to articles which were not sterile. The Self-Adhering Gauze Bandage was alleged to be misbranded further in that the statement on the carton, "Use Fabco for all minor injuries," regarding its curative and therapeutic effects, was false and fraudulent.

On July 3 and August 11, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27737. Misbranding of M-E Chlorine Solution. U. S. v. 19 Quarts of M-E Chlorine Solution. Default decree of condemnation and destruction. (F. & D. No. 39738. Sample No. 34124-C.)**

The label of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On May 28, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 quarts of M-E Chlorine Solution at Huntington, Ind., alleging that it had been shipped in interstate commerce on or about January 2, 1937, by the M-E Chemical Products Co. from Toledo, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of an aqueous solution containing sodium hypochlorite (3.4 percent), sodium chloride, and small amounts of sodium hydroxide and sodium carbonate.

It was alleged to be misbranded in that the bottle label and a circular shipped with it contained false and fraudulent representations regarding its effectiveness in the treatment of colds, roup, canker, pip, diphtheria, chickenpox, infectious bronchitis, or other throat and head trouble, cholera, dysentery, white diarrhea and coccidiosis in poultry or other fowls, blackhead in turkeys and distemper in horses; its effectiveness in the treatment of open wounds, boils, animal bites, hives, eczema, itch caused by poison ivy, open sores, injuries from rusty nails, sore throat, trench mouth, hay fever, asthma, sinus troubles, sexual diseases, female weakness, ringworm, soft corns, ingrowing toenails, barber's itch, pimples, carbuncles, mouth infections, and ulcers, in human beings; its effectiveness in the treatment of cuts, scratches, ammonia poisoning, sore hocks, vent diseases, ulcers, abscesses, sore eyes, ear canker, colds, infectious bronchitis, pneumonia, and snuffles of rabbits; its effectiveness in the treatment of contagious abortion, retained afterbirth of cattle and failure to breed in cows, mares, and sows; its effectiveness to prevent infection from handling and eating wild and domestic meats, from gunshot wounds, and from metal

and oil; its effectiveness as a preventive of sexual diseases, and its effectiveness to stop the flow of blood from cuts or pimples. It also was charged to be adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1588 published under that act.

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27738. Misbranding of Sal-I-Can. U. S. v. 39 Bottles of Sal-I-Can. Default decree of condemnation and destruction. (F. & D. No. 39860. Sample No. 22743-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On June 17, 1937, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bottles of Sal-I-Can at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about October 27, 1936, by Dr. J. L. Davis, Irvine, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of salicylic acid, alcohol, acetone, and water.

The article was alleged to be misbranded in that the bottle and carton and the circular contained in the carton, bore false and fraudulent representations regarding its effectiveness in the treatment of ground itch, ringworm, creeping eruption, infected wounds, tetter, bunions, tumors, eczema, old and new sores, nail wounds, water poison, cuts, punctured wounds, muck poison, barber's itch, bruises, burns, and all forms of skin diseases; and its effectiveness for sores and wounds on horses, and leeches in horses, mules, and colts.

On July 31, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27739. Misbranding of Ru-Ma. U. S. v. 33 Bottles of Ru-Ma. Default decree of condemnation and destruction. (F. & D. No. 39933. Sample No. 49020-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Ru-Ma at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1937, by the Dr. Leonhardt Co. from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of an aqueous solution of iodides, salicylates, acetates, and a laxative plant drug.

The article was alleged to be misbranded in that the bottle label, carton, and a circular enclosed in the carton contained false and fraudulent representations regarding its effectiveness in the treatment of rheumatoid conditions, neuritis, neuralgia, gouty diathesis, aches, pains, stiffness, and soreness of muscles and joints.

On August 19, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27740. Misbranding of Prieto Tonic. U. S. v. 50 Bottles of Prieto Tonic, (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 39171, 39326, 39419. Sample Nos. 9580-C, 10181-C, 38808-C.)**

This product was misbranded because of false and fraudulent curative or therapeutic claims in the labeling; and because it was labeled to convey the misleading impression that it was a remedy originating with the Indians, and composed of roots, herbs, and similar substances used by them.

On March 6, April 6, and April 24, 1937, the United States attorneys for the Northern District of California and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 50 bottles of Prieto Tonic at San Francisco, Calif., and 63 bottles of Prieto Tonic at Los Angeles, Calif.,

alleging that the article had been shipped in interstate commerce in various shipments on or about March 21, October 24, 1936, and March 8, 1937, by the Indian Laboratory Co. from Laredo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prieto Tonic \* \* \* Made for [or "by"] Indian Laboratory Co., Laredo, Texas."

Analysis showed that the article consisted essentially of water, glycerin, alcohol, potassium iodide (approximately 9 grains per fluid ounce), sodium benzoate, and extracts of plant drugs including cinchona.

The article was alleged to be misbranded in that the following statements and design appearing in the labeling were false and misleading when applied to an article of the composition disclosed by the analysis: (All cartons and some circulars) Design of an Indian; (all cartons, in Spanish and English) "Tonic of Walnut, Mexican Herbs, Roots and Medicinal Extracts. \* \* \* This Marvelous Tonic Was Used By the Indians For Many Years \* \* \* Made From Mexican Herbs, Roots and Walnut-Bark and Medicinal Extracts"; (all bottles, in Spanish and English) "Composed of Walnut, Mexican Herbs and Roots and Medicinal Extracts"; (some bottles, in Spanish) "This Marvelous Tonic Was Used For Many Years By the Indians of Mexico"; (some circulars, in Spanish) "Tonic of Walnut \* \* \* Take the real extract of black walnut"; (other circulars, in English) "Walnut Tonic"; (in Spanish) "Tonic of Walnut \* \* \* the genuine extract of black walnut. The picture of the Indian who discovered it is on the bottle."

It was alleged to be misbranded further in that certain statements on the carton and bottle and in a circular shipped with it falsely and fraudulently represented that it was effective as a general alterative tonic, aperitive, and nerve sedative; effective to prevent insomnia, and to promote metabolism and the elimination of uric acid in the urine; effective to enrich the blood, restore the appetite, and awaken the functions of the organs; effective as a remedy to clean the bronchial tubes and lungs through expectoration; and effective in the treatment of stubborn and chronic coughs, boils, pimples, skin diseases and anemia, herpes, light ulcers and sores, and all troubles caused by systemic weakness.

On August 30, September 1, and September 7, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27741. Misbranding of Whitmarsh Blood Elixir. U. S. v. 19 Bottles of Whitmarsh Blood Elixir. Default decree of condemnation and destruction. (F. & D. No. 39418. Sample No. 14648-C.)**

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling. It was misbranded further because of failure to declare the quantity of alcohol present, since no statement appeared on the carton and the statement on the bottle was incorrect.

On April 27, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bottles of Whitmarsh Blood Elixir at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about November 7, 1936, by the Whitmarsh Laboratories from Adrian, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of water, alcohol (10 percent by volume), a small quantity of benzoic acid, and extracts of plant drugs including anise and an alkaloid-bearing drug.

The article was alleged to be misbranded in that its package failed to bear a statement on the label of the quantity or proportion of alcohol that it contained, since no declaration of alcohol appeared on the carton and that on the bottle label was incorrect. It was alleged to be misbranded further in that the following statements borne on the bottle and carton regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "Blood Elixir \* \* \* For poisoning, such as from ivy, oak, sumach, or other vegetable infection \* \* \* For boils and pimples Add to the contents of one bottle of Whitmarsh Blood Elixir one teaspoonful of Fluid Extract of Arnica Flowers;" (carton label) "Blood Elixir \* \* \* Recommended \* \* \* in the treatment of skin afflictions such as itching eczema, ivy, oak, or sumach and other vegetable poisons absorbed

through the skin, \* \* \* Used \* \* \* in the treatment of ivy, oak, sumach and other vegetable poisons absorbed thru the skin. Its action is prompt and usually brings relief in 48 hours. Three weeks is advised in order to eradicate the poison from the system. \* \* \* For itching Eczema, Psoriasis, Acne Vulgaris or Pimples and Skin Afflictions due to Blood Humours, Whitmarsh Blood Elixir has been a successful treatment. It is especially recommended as an Antidote for the Effects of Ivy, Oak, Sumach, and other Vegetable Poisons absorbed through the skin. \* \* \* In 24 to 48 hours the intolerable itching ceases. Experience, however, recommends that the full three weeks treatment be used. In Itching Eczema and such skin affliction of a chronic character continued treatment may be required for its alterative influence."

On August 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27742. Misbranding of Ter-O-Sul. U. S. v. 126 Packages of Ter-O-Sul. Default decree of condemnation and destruction. (F. & D. No. 39264. Sample No. 19710-C.)**

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling, and because it was represented to contain a substantial amount of colloidal sulphur; whereas it contained not more than a trace of, if any, colloidal sulphur.

On March 25, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 packages of Ter-O-Sul at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 1, 1937, by the National Hygienic Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of starch, sodium bisulphite, sodium bicarbonate, noncolloidal sulphur, (7.4 percent), and a trace of other inorganic compounds. It contained not more than a trace of, if any, colloidal sulphur.

It was alleged to be misbranded in that the following statements appearing in the label were false and misleading when applied to an article of the composition disclosed by the analysis: (Carton) "Colloidal Sulphur"; (circular) "Ter-O-Sul Effervescent Colloidal Sulphur. Ter-O-Sul contains sulphur, especially refined and purified for use in the bath at home. It is colloidal, which means it 'fuses' very thoroughly with water. The particles of Ter-O-Sul are so very small they easily pass through the pores into the bloodstream." It was alleged to be misbranded further in that the carton and a circular enclosed therein bore false and fraudulent representations regarding its effectiveness in the treatment of arthritis, sciatica, neuritis, lumbago, gout, and other rheumatic ailments, itch, pimples or other skin irritations, and its beneficial effects in body fatigue, weariness and sleeplessness; its effectiveness to free the skin from impurities and blemishes, sweep away impurities in the blood, cleanse the system of poisons that produce pain, to stimulate the circulation, wake up the kidneys, cause the perspiration to carry off body waste, and bring blood from the interior organs to the surface; and its effectiveness as an aid in reducing.

On September 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27743. Misbranding of Needham's Red Clover Extract. U. S. v. 22 Small Jars and 12 Large Jars of Needham's Red Clover Extract. Default decree of condemnation and destruction. (F. & D. No. 39243. Sample No. 3948-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 small jars and 12 large jars of Needham's Red Clover Extract at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about January 23, 1935, January 24, and October 3, 1936, by D. Needham's Sons from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant materials which yielded 13 percent of an ash composed essentially of calcium, magnesium, potassium, sodium, and iron phosphates, chlorides, and sulphates.

It was alleged to be misbranded in that the jar labels and a circular shipped with it contained false and fraudulent representations regarding its effectiveness in the treatment of constipation, abnormal tissue changes, pimples, carbuncles, external and internal growths, disorders of the stomach and bowels, general run-down condition, inflammatory sore conditions, and lack of appetite; its effectiveness to influence the vascular system, to ward off disease, decay, and disintegration, to neutralize the destructive acids produced in the body, to bring about greater life and growth in the tissues, greater alkalinity, a stronger system, and more efficient muscular activity, to increase fibrin in the blood and to increase the powers of healing and resistance, to increase recuperative powers and to hasten healing, to increase activity of the brain, nerves, and muscles, to bring about a higher degree of health, greater harmony of temperature, better functioning of the vital powers, to decrease pain sensations, to bring about greater peristalsis in the intestines, greater capacity for sleep, and better digestion of fats, sugars, proteids, and organic-metallic salts; its effectiveness as a compress for sores and inflammations; and its effectiveness to soothe and heal the mouth, throat, and alimentary canal.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27744. Misbranding of Sanadon. U. S. v. Cretina Chemical Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 38671. Sample No. 18522-C.)**

The label of this product bore false and fraudulent curative and therapeutic claims, and false and misleading representations regarding its effectiveness as an antiseptic.

On April 19, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cretina Chemical Co., a corporation, Belleville, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 5 and May 7, 1936, from the State of Illinois into the State of Missouri of a quantity of Sanadon that was misbranded. The article was labeled in part: "Sanadon \* \* \* Antiseptic \* \* \* Cretina Chemical Co., St. Louis, Mo."

Analysis showed that the article consisted essentially of water, with small amounts of guaiacol, sugar, hypophosphites, and methyl salicylate.

The article was alleged to be misbranded in that the statement, "Antiseptic \* \* \* Dilute one part of Sanadon to equal parts of water," borne on the bottle label, was false and misleading since it represented that the article was an antiseptic when used as directed; whereas it was not an antiseptic when used as directed. It was alleged to be misbranded further in that certain statements, designs, and devices appearing on the bottle label falsely and fraudulently represented that it was effective as an amoebicide, tonic stimulant, and hemostatic; effective as a treatment for all infections of the mouth, teeth, and gums, and as a preventive of the same; effective to stop pain, to reduce inflammation, to relieve soreness and bleeding, to keep the oral cavity free of bacteria, to promote thorough oral hygiene, and to provide a safeguard against every unfavorable condition in the mouth; effective as a treatment for neuralgia and extreme ulceration or soreness, and toothache; effective as a germicide, and as a treatment, remedy, and cure for sore throat and kindred conditions, pyorrhea, gum ulcerations, bleeding gums, canker sores, and stomatitis; and effective to establish sanitary working conditions.

On September 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27745. Adulteration of iodine ointment. U. S. v. Bleeker-Foster, Inc. Plea of guilty. Fine, \$5. (F. & D. No. 38609. Sample No. 63282-B.)**

This product was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard established by that authority since it was deficient in iodine and contained no potassium iodide, a required ingredient.

On April 6, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bleeker-Foster, Inc., St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act on or about April 15, 1936, from the State of Minnesota into the State of Wisconsin of a quantity of iodine ointment that was adulterated. The article was labeled in part: "G. F. Foster's Iodine Ointment \* \* \* G. F. Foster Products Company, St. Paul."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia, since it contained not more than 4.2 percent of iodine, and no potassium iodide; whereas the pharmacopœia provides that iodine ointment shall contain not less than 6.5 percent of iodine and shall contain potassium iodide.

On April 6, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27746. Misbranding of Heinrich's Dermo Carbo Salve, Heinrich's Worm Tablets for Poultry, and Heinrich's Egg Producer and Poultry Tonic. U. S. v. Heinrich Chemical Co. Plea of nolo contendere. Fine, \$15. (F. & D. No. 38605. Sample Nos. 5165-C, 5166-C, 5167-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects.

On September 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Heinrich Chemical Co., a corporation, Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 17, 1936, from the State of Minnesota into the State of Wisconsin of quantities of the above-named products, which were misbranded. The articles were labeled: "Heinrich Dermo Carbo Salve, Heinrich Chemical Co."; "Heinrich's Worm Tablets for Poultry \* \* \* Distributed by the Heinrich Company"; "Heinrich's Egg Producer and Poultry Tonic \* \* \* Manufactured by Heinrich Chemical Co., Minneapolis, Minn."

Analyses showed that the salve consisted essentially of a small proportion of phenol (carbolic acid) incorporated in a petrolatum base; that the worm tablets consisted essentially of kamala, thymol, and nicotine; and that the "egg producer and poultry tonic" consisted essentially of plant material including middlings, a bitter principle and a pungent principle, cantharides, charcoal, sulphur, and compounds of calcium, iron, and phosphates.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the salve was effective as a treatment for sores, old-sores, cuts, and wounds; that the worm tablets were effective as a treatment and remedy for tapeworms and roundworms in poultry; and that the poultry tonic was effective as an egg producer and poultry tonic; effective to keep birds in a healthy condition and to stimulate the production of eggs; effective as a preventive of disease, to keep the flock in a vigorous condition, and to ward off diseases of poultry; effective to make young chicks grow, to cause the digestive and assimilative organs to become more active, and to keep the health and vigor of chicks at the best; effective as a relief for chicken cholera, to induce appetite, to relieve nervousness, to produce vital energy, and to put poultry in a first-class condition; and effective to assist in rapidly restoring the vigor and egg-laying propensities of poultry.

On September 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$15.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27747. Misbranding of Heinrich's Pain-A-Way, Heinrich's Rheumatism Remedy, Heinrich's Medicated Ointment, and Heinrich's San-I-Cide. U. S. v. Heinrich Chemical Co. Plea of nolo contendere. Fine, \$30. (F. & D. No. 38597. Sample Nos. 63164-B, 63169-B, 63170-B, 63171-B.)**

These products were misbranded because of false and fraudulent representations in the labeling regarding their curative and therapeutic effects. The ointment was misbranded further because of false and misleading representations regarding its alleged antiseptic properties; and the San-I-Cide because of false and misleading representations regarding its curative and therapeutic effects and the quantity of alcohol that it contained.

On September 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Heinrich Chemical Co., a corporation, Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 15, 1936, from the State of Minnesota into the State of Wisconsin of quantities of the above-named drug products, which were misbranded. The articles were labeled in part: "Heinrich's Pain-a-Way" [or "Heinrich's Rheumatism Remedy" or "Heinrich's Medicated Ointment \* \* \* Antiseptic"] \* \* \* Heinrich Chemical Company \* \* \* Minneapolis"; "Heinrich's San-I-Cide Not Over 12%" \* \* \* The Heinrich Company. \* \* \* Minneapolis."

Analyses showed that the Pain-a-way was a light yellow-brown liquid with a strong mustard-oil odor, and consisted chiefly of water, alcohol, mustard oil, and oil of cinnamon; that the rheumatism remedy consisted essentially of a hydroalcoholic solution of sodium salicylate, sugar, and a small amount of plant extractives; that the ointment was a white ointment containing camphor, oil of eucalyptus, and a very small amount of zinc oxide; and that the San-I-Cide was a red hydroalcoholic solution consisting essentially of zinc chloride, menthol, aromatics, and traces of formaldehyde.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the Pain-A-Way was effective as a treatment, remedy, and cure for pain in cramps, colic, ordinary diarrhoea and dysentery, rheumatic pains, swellings, and aching joints; that the rheumatism remedy was effective as a remedy for rheumatism and to eliminate rheumatic pains; and effective to increase the infection-combatting cells in the blood and to increase the bodily secretions, thus helping to eliminate rheumatic poisons; that the ointment was effective as a healing and penetrative treatment for all injuries and affections of the skin; and that the San-I-Cide was effective as a treatment, remedy, and cure for bleeding gums, sore throat, tonsillitis, canker, sore mouth, cuts, and wounds; and effective for its healing properties. The ointment was alleged to be misbranded further in that the statement "Antiseptic," borne on the jar label, was false and misleading since it represented that the article was an antiseptic, whereas it was not an antiseptic.

The San-I-Cide was alleged to be misbranded further in that the statements, "An Active Antiseptic \* \* \* combined with \* \* \* other well known antiseptics," and "Not over 12% alcohol," borne on the label, were false and misleading since they represented that the article was an active antiseptic combined with other well-known antiseptics, and that it contained approximately 12 percent of alcohol; whereas it was not an active antiseptic, was not combined with other well-known antiseptics, and did not contain approximately 12 percent of alcohol, but did contain not over 2.6 percent of alcohol by volume. The San-I-Cide was alleged to be misbranded further in that it contained alcohol and the label on the bottle failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27748. Adulteration and misbranding of quinine sulphate tablets and liniment, and misbranding of Mother Beach Stomach Tablets. U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 38029. Sample Nos. 56207-B, 63158-B, 63203-B.)**

This case involved quinine sulphate tablets which contained less quinine sulphate than declared, liniment which contained less alcohol than declared, and Mother Beach Stomach Tablets the labeling of which bore false and fraudulent curative and therapeutic claims.

On February 15, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 28, 1936, from the State of Iowa into the State of Ohio of a quantity of quinine sulphate tablets that were adulterated and misbranded; on or about March 3, 1936, from the State of Iowa into the State of Wisconsin of a quantity of Mother Beach Stomach Tablets which

were misbranded; and on or about March 7, 1936, from the State of Iowa into the State of Minnesota of a quantity of liniment that was adulterated and misbranded. The articles were labeled variously: "Mother Beach Stomach Tablets \* \* \* Buss-Beach Co., Chippewa Falls, Wis."; "Quinine Sulphate 2 Grains, The Shores Co., Inc., Mfg. Chemists, Cedar Rapids, Iowa"; "Shores \* \* \* liniment 45% Alcohol External."

Analysis of the Mother Beach Stomach Tablets showed that they consisted chiefly of sodium bicarbonate, bismuth subnitrate, magnesium oxide, and a small amount of starch.

The quinine sulphate tablets and the liniment were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: The quinine sulphate tablets were represented to contain 2 grains of quinine sulphate each; whereas they contained less than represented, namely, not more than 1.73 grains of quinine sulphate each. The liniment was represented to contain 45 percent of alcohol; whereas it contained less than represented, namely, not more than 37.7 percent of alcohol by volume.

The quinine sulphate tablets were alleged to be misbranded in that the statement "Quinine Sulphate 2 Grains," borne on the label, was false and misleading since the tablets contained less than 2 grains of quinine sulphate. The liniment was alleged to be misbranded in that the statement "45% alcohol," borne on the label, was false and misleading since it represented that the article contained 45 percent of ethyl alcohol; whereas it contained 37.7 percent of denatured alcohol. The Mother Beach Stomach Tablets were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, borne on the bottle label, falsely and fraudulently represented that they were effective as a treatment, remedy, and cure for stomach troubles, stomach ulcers, indigestion, dyspepsia, headaches, bloating, bad tasting breath, lack of appetite, gnawing empty feeling, lump in the stomach, and other stomach symptoms, and 75 percent of human ailments.

On September 28, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27749. Misbranding of Simba. U. S. v. G. F. Foster Products Co. Plea of guilty. Fine, \$20. (F. & D. No. 37979. Sample Nos. 23164-B, 63058-B.)**

The label of this product contained false and fraudulent representations regarding its curative and therapeutic effects. It was also labeled to create the impression that it was composed of roots and herbs; whereas it consisted in part of mineral matter.

On or about November 2, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. F. Foster Products Co., a corporation, St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 25, 1935, and February 13, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Simba that was misbranded. The article was labeled in part: "Simba \* \* \* G. F. Foster Product Co., St. Paul, Minn. U. S. A."

Analysis showed that the article consisted essentially of a dark turbid hydroalcoholic solution of plant material, Epsom salt, sodium salicylate, and an emodin-bearing drug.

It was alleged to be misbranded in that certain statements borne on the carton falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for disorders of the stomach, liver, kidneys, and blood when caused by constipation, auto-intoxication, and improper digestion. It was alleged to be misbranded further in that the statement "The Great Root and Herb Compound," borne on the carton and bottle, was false and misleading since it represented that the article consisted wholly of roots and herbs; whereas it consisted in part of mineral matter.

On November 2, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27750. Misbranding of Sun-Ray Vita-Lax. U. S. v. 53 Packages and 68 Packages of Sun-Ray Vita-Lax. Default decree of condemnation and destruction.** (F. & D. No. 39995. Sample No. 43945-C.)

This product was labeled to convey the impression that it derived its principal activity from plant materials; whereas its principal active agent was phenolphthalein, a laxative coal-tar drug. The labeling also bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On July 20, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 small packages and 68 large packages of Sun Ray Vita-Lax at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 14, 1937, by the Vita-Lax Products Co. from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The Vita-Lax Products Co. Laboratories—Birmingham, Ala."

Analysis showed that it consisted essentially of bran, agar-agar, psyllium seed, yeast, and phenolphthalein (approximately 0.3 grain per average level teaspoonful).

The article was alleged to be misbranded in that the statements "Sun-Ray Vita-Lax" and "The Original Vitamin Laxative," borne on the carton and in the circular, were false and misleading since they represented that the article was a vitamin laxative; whereas it was not but was essentially a phenolphthalein laxative. It was alleged to be misbranded further in that the statements on the carton in relatively large type, "Sun Ray Vita-Lax contains Agar-Agar Bran Wheat Psyllium Seed Sun Ripe Figs Lacto Dextrin Iron Yeast Malt," and in relatively small-sized type, "1-10 of 1% Benzoate of Soda Phenothalin 1-2 grain to 2 teaspoonsfull," constituted a false and misleading device creating the impression that the article consisted largely of plant material; whereas it did not consist largely of plant material, since the principal active ingredient was the synthetic coal-tar laxative drug, phenolphthalein.

It was alleged to be misbranded further in that the carton and the circular contained therein bore false and fraudulent representations regarding its effectiveness in the treatment of acid indigestion, deficiency diseases, headache, nervousness, dizzy spells, backache, poor appetite, pimples or acid skin, kidney, liver, and gall-bladder trouble, rheumatism, and arthritis; its effectiveness to reduce weight and to increase weight; and its effectiveness in promoting the natural activities of the digestive and eliminative organs and in maintaining health.

On August 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

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Issued April 1938

## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27751-27875

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 18, 1938]

- 27751. Adulteration of canned tuna.** U. S. v. 147 Cases and 1,018 Cases of Canned Tuna. Portions of product released unconditionally; remainder condemned and released under bond. (F. & D. No. 37532. Samples Nos. 34784-B, 34795-B, 62725-B.)

This product was in part decomposed.

On April 3, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,165 cases of canned tuna at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 9, 1936, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun Harbor Brand California Tuna \* \* \* Packed by Cohn-Hopkins, Inc., \* \* \* San Diego, California."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed mineral substance.

On June 29, 1937, upon a petition filed by the claimant, the Sun Harbor Packing Corporation (formerly Cohn-Hopkins, Inc.), the libel was dismissed insofar as the product identified by certain code marks was concerned, and the goods so coded were released. Subsequently three other codes were released unconditionally. On September 20, 1937, judgment of condemnation was entered with respect to the remaining codes and the product so coded, amounting to 258 cases, was ordered released to the claimant under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, Acting Secretary of Agriculture.

- 27752. Adulteration of canned salmon.** U. S. v. Premier Salmon Co. Plea of guilty. Fine, \$25. (F. & D. No. 37937. Sample No. 65136-B.)

This product was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Premier Salmon Co., a corporation having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 28, 1935, from Stevens Creek, Alaska, into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On August 10, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, Acting Secretary of Agriculture.

- 27753. Adulteration and misbranding of olive oil.** U. S. v. DeLuca Olive Oil Co., Inc., and Arthur J. Capone. Pleas of guilty. Corporation fined \$2,200 of which \$2,100 was remitted. Arthur J. Capone fined \$1,100 of which \$550 was remitted. (F. & D. No. 38005. Sample Nos. 43866-B, 44160-B, 44161-B, 44162-B, 52160-B, 52161-B, 52162-B, 61024-B, 61025-B, 61205-B, 65607-B to 65613-B, incl., 65626-B, 65627-B, 65710-B, 65712-B, 65713-B, 65714-B, 65841-B, 65878-B, 65879-B, 65880-B, 66017-B, 66039-B, 67402-B to 67408-B, incl.)

This product was adulterated with tea-seed oil.

On February 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against the DeLuca Olive Oil Co., Inc., New York, N. Y., and Arthur J. Capone, president and treasurer of the company, charging that said defendants had shipped in interstate commerce from New York, N. Y., the following lots of olive oil, which was adulterated and misbranded: One shipment into the State of Rhode Island on or about June 28, 1935; several shipments into the State of Massachusetts on or about July 5, August 9, 24, and 27, September 11, 19, 20, and 27, October 31, November 15, 1935, January 7, 9, and 10, February 4, and February 13, 1936; two lots into the State of Connecticut on or about September 28, 1935, and February 14, 1936; one lot into the State of Maine on or about November 6, 1935; and several lots into the State of Pennsylvania on or about January 3, 20, 28, and 31, and February 14, 1936.

The article was labeled in part variously: "Pure olive oil \* \* \* De Luca Brand \* \* \* Guaranteed by De Luca Olive Oil Co., Inc., New York City"; "Cora Pure Imported Olive Oil \* \* \* Guaranteed by Cora Products Co., New York, N. Y."; "Olivo D' Oliva Marca De Luca \* \* \* De Luca & Co., New York & Geneva"; "Pure Imported Olive Oil De Luca Brand \* \* \* De Luca & Co., New York"; "United Brand \* \* \* Pure Imported Olive Oil \* \* \* United Wholesale Grocery Co., Distributor Worcester Mass."; "Clover Farm Brand Pure Imported Olive Oil \* \* \* Clover Farm Stores Distributors \* \* \* Cleveland, Ohio."

The article was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be, and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality and strength.

It was alleged to be misbranded in that the following statements and designs borne on the cans and bottles, "Pure Olive Oil De Luca \* \* \* The Best Quality Imported from Italy \* \* \* This Olive Oil is guaranteed to be absolutely pure under chemical analysis because it is pressed only from selected ripe olives \* \* \* Puro Olio Di Oliva De Luca \* \* \* Qualita Sublimi Importato dall Italia \* \* \* Questo Olio di Oliva e garantito puro sotto qualsiasi analisi chimica perche ricavato soltanto da olive mature scelte e confezionato nelle migliori condizioni igieniche [design of olive branches]" with respect to certain lots; the statements, "Pure imported Olive Oil \* \* \* Importato Puro Olio d'Oliva \* \* \* This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin both for its natural goodness and exceptional purity. \* \* \* Questo olio a garanrito di para oliva e indiscutibilmente superiore a quello di qualsiasi altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza [design of olive branches]" with respect to certain lots, the statements "Olio D'Oliva \* \* \* De Luca \* \* \* Pure Olive Oil" with respect to certain lots; "Pure Imported Olive Oil \* \* \* De Luca \* \* \* Olivo D'Oliva \* \* \* De Luca \* \* \* Pure Olive Oil" with respect to certain lots; the statement "Pure Imported Olive Oil" with respect to certain other lots were false and misleading; and were borne on the labels of the cans and bottles containing the article so as to deceive and mislead the purchaser; since they represented that the article consisted wholly of olive oil and that portions thereof consisted of olive oil imported from Italy; whereas the article consisted in part of tea-seed oil not imported from Italy. It was alleged to be misbranded further for the reason that it was a mixture composed in part of tea-seed oil and was offered for sale and sold under the distinctive name of another article.

On August 2, 1937, pleas of guilty were entered on behalf of the defendants and on October 13, 1937, the court fined the defendant company \$2,200 but suspended payment of \$2,100 thereof, and fined Arthur J. Capone \$1,100 and suspended payment of \$550 thereof.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27754. Adulteration and misbranding of olive oil. U. S. v. A. J. Capone Co., Inc., and Arthur J. Capone.** Pleas of guilty. Corporation fined \$1,400 of which \$1,300 was remitted. Arthur J. Capone fined \$700 of which \$350 was remitted. (F. & D. No. 38007. Sample Nos. 55262-B, 55546-B to 55550-B, incl., 57018-B, 57201-B, 57202-B, 57203-B, 62311-B, 66040-B, 66041-B, 66042-B.)

This product was adulterated with tea-seed oil.

On February 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the A. J. Capone Co., Inc., New York, N. Y., and Arthur J. Capone, president of the company, alleging shipment by said defendants in violation of the Food and Drugs Act on or about October 31, 1935,

from the State of New York into the State of Massachusetts on or about December 18, 1935, and January 18, 1936, from the State of New York into the State of Illinois; on or about January 31, 1936, from the State of New York into the State of Michigan, and on or about February 6, 1936, from the State of New York into the State of Texas of quantities of olive oil that was adulterated and misbranded. Portions of the article were labeled: "Cora Brand \* \* \* Pure Imported Olive Oil \* \* \* Guaranteed by Cora Products Co. Sole Distributors New York, N. Y." The remaining lots were labeled: "Tivoli Brand \* \* \* Puro d'Oliva [or "Pure Imported Olive Oil"] Distributed by Garofalo Bros. Co., Chicago, Ill."

The article was alleged to be adulterated in that a substance, tea-seed oil, had been substituted wholly or in part for olive oil, which it was represented to be and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded (1) in that it was offered for sale under the distinctive name of another article, namely, olive oil; (2) in that the following statements and designs on the cans and bottle labels, "Pure Imported Olive Oil \* \* \* Importato Puro Olio d'Oliva \* \* \* This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin, both for its natural goodness and exceptional purity \* \* \* Questo Olio e parentito di pura Oliva E indiscutibilmente superiore e quello d'qualsiasi altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza [designs of olive branches]," with respect to portions of the article; the statements "Pure Imported Olive Oil Tivoli Brand Puro Olio D'Oliva Importato \* \* \* Tivoli Brand Olive Oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked, ripe and selected olives. It is an absolutely pure product, highly recommended \* \* \* L' Olio Continuto un questa latta è estratto da olive fresche, mature, ed accuratamente scelte. Esso è parentito di essere uno dei migliori olii d'oliva, è un prodotto assolutamente puro, ed è altamente, raccomandato per usi da tavola, e scopi medicinali [designs of olive trees and woman harvesting olives]", with respect to portions of the articles; the statement "Pure Olive Oil" with respect to a portion; and the statement "Pure Olive Oil Imported" with respect to the remainder, were false and misleading in that they represented that the article was olive oil; and (3) in that by means of the said statements and designs, the article was labeled so as to deceive and mislead the purchaser.

On August 2, 1937, pleas of guilty were entered on behalf of the defendants and on October 13, 1937, the court imposed a fine against the corporation of \$1,400 and remitted payment of \$1,300 thereof, and imposed a fine of \$700 against Arthur J. Capone and remitted payment of \$350 thereof.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27755. Adulteration and misbranding of butter. U. S. v. S. B. Walker. Plea of guilty. Fine, \$25. (F. & D. No. 38061. Sample No. 73890-B.)**

Samples of this product were found to contain less than 80 percent by weight of milk fat and to be short of the declared weight.

On September 27, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. B. Walker, Hereford, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 29, 1936, from the State of Texas into the State of New Mexico of a quantity of butter that was adulterated and misbranded. It was labeled in part: (Package) "Pure Creamery Butter One Pound"; (wrapper) "Farmers' Creamery Association Fresh Cream O'Plains Creamery Butter Hereford Texas."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

It was alleged to be misbranded in that the statements "Butter" and "One Pound," borne on the package, and "1/4 Pound Net Weight," borne on the wrapper, were false and misleading and were borne on the package and wrapper so as to deceive and mislead the purchaser, in that they represented that the article was butter—a product which should contain not less than 80 percent by weight of milk fat—that each of the packages contained 1 pound and that each of the wrappers contained 1/4 pound thereof; whereas it contained less than 80 percent by weight of milk fat, the packages contained less than 1

pound, and the wrappers contained less than  $\frac{1}{4}$  pound of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27756. Adulteration of evaporated apples. U. S. v. M. O. Engelson & Co., Inc.**  
**Plea of guilty. Fine, \$50 on each of three counts. Fine suspended on**  
**counts 1 and 2. (F. & D. No. 38063. Sample No. 5628-C.)**

This product contained excessive moisture.

On November 30, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against M. O. Engelson & Co., Inc., Williamson, N. Y., alleging shipment by said company on or about March 28, 1936, from the State of New York into the State of Pennsylvania, and on or about June 17 and July 3, 1936, from the State of New York into the State of Ohio of quantities of evaporated apples that were adulterated. The article was labeled in part: "Engelson Brand Evaporated Apples \* \* \* Packed by M. O. Engelson & Co., Williamson, N. Y."

It was alleged to be adulterated in that a product which contained excessive water had been substituted for evaporated apples, which it purported to be.

On September 14, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50 on each of the three counts of the information and ordered that sentence be suspended on counts 1 and 2.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27757. Adulteration of pickles. U. S. v. George Edward Thies (Thies Pickle Co.). Plea of guilty. Fine, \$200. (F. & D. No. 38643. Sample No. 5268-C.)**

The brine in which this product was packed had a foul odor, and contained filthy material, such as whole insects, parts of insects, and rodent hairs.

On March 11, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George Edward Thies, trading as the Thies Pickle Co., Pepin, Wis., alleging shipment by said defendant on or about July 15, 1936, from the State of Wisconsin into the State of Iowa of a quantity of pickles that were adulterated.

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On September 13, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27758. Misbranding of canned peas. U. S. v. Hillsboro-Queen Anne Cooperative Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 38655. Sample Nos. 50463-B, 50537-B, 50538-B, 54011-B, 54041-B to 54049, incl., 54064-B.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 10, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hillsboro-Queen Anne Cooperative Corporation, Lewes, Del., alleging shipment by said company on various dates between July 13, 1935, and October 29, 1935, inclusive, from the State of Delaware into the States of Connecticut, New York, New Jersey, and Maryland of quantities of canned peas that were misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: (Cans) "Ma-Son June Peas \* \* \* The Stevenson-Mairs Co. Distributors Baltimore, Md."; "Globe Brand Early June Peas \* \* \* Packed by Talbot Packing & Preserving Co. Easton, Md."; "Pride of Hillsboro Brand Early June Peas \* \* \* Distributed By The Easton Canning Corporation Hillsboro, Md."; "Green PAC Brand [or "Vestibule Brand"] \* \* \* Early June Peas \* \* \* Packed By The Greencastle Packing Co. Greencastle, Penn."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of

Agriculture, since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 23, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27759. Adulteration of pecans. U. S. v. 284, 398, and 464 Bags of Pecans. Consent decree of condemnation. Product released under bond for salvaging.** (F. & D. No. 39660. Sample Nos. 41830-C, 41831-C, 41832-C.)

This product was in part smoke-damaged.

On May 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,146 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce between the dates of April 10, 1937, and April 23, 1937, by Carl E. Atwood from Helena, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that smoke-damaged pecans had been substituted wholly or in part for edible pecans.

On September 30, 1937, Henry Stern, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant under bond for salvaging the good portion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27760. Adulteration and misbranding of soft winter wheat middlings. U. S. v. Aaron Weigel and Robert Weigel (Middletown Flour Mill). Pleas of guilty. Fines, \$30.** (F. & D. No. 38665. Sample Nos. 830-C, 831-C.)

This product was represented to be soft winter wheat middlings. Examination showed that it consisted in part of screenings and scourings, and contained smaller percentages of crude protein and crude fat than declared on the label.

On September 14, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Aaron Weigel and Robert Weigel, trading as the Middletown Flour Mill, Middletown, Del., alleging shipment by said defendants in violation of the Food and Drugs Act on or about October 9 and October 12, 1936, from the State of Delaware into the State of Maryland of quantities of soft winter wheat middlings that were adulterated and misbranded. The article was labeled in part: (Tag) "Soft Winter Wheat Middling \* \* \* Minimum Crude Protein 14% Minimum Crude Fat 4% \* \* \* Middletown Flour Mill, Middletown, Del."

It was alleged to be adulterated in that screenings and scourings had been mixed and packed with it so as to lower and reduce its quality and strength, and had been substituted in part for soft winter wheat middlings, which it purported to be.

It was alleged to be misbranded in that the statements, "Minimum Crude Protein 14% Minimum Crude Fat 4%," borne on the tag, were false and misleading; and in that it was labeled so as to deceive and mislead purchasers, since it contained less than 14 percent of crude protein and less than 4 percent of crude fat, samples taken from each of the two shipments having been found to contain 11.88 percent and 11.94 percent of crude protein, and 2.91 percent and 3.08 percent of crude fat.

It was alleged to be misbranded further in that a product composed in part of screenings and scourings prepared in imitation of soft winter wheat middlings had been offered for sale and sold under the distinctive name of another article, namely, "Soft Winter Wheat Middlings."

On September 23, 1937, the defendants entered pleas of guilty, and were each fined \$15.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27761. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Ponca City Milling Co., Inc. Plea of guilty. Fine, \$30.** (F. & D. No. 38675. Sample No. 2079-C.)

In this product brown shorts had been substituted in whole or in part for gray shorts. It also contained fiber in excess of the amount declared.

On July 3, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Ponca City Milling Co., Inc., Ponca City, Okla., alleging shipment by said company on or about August 25, 1936, from the State of Oklahoma into the State of Texas of a quantity of wheat gray shorts and screenings that were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Wheat Gray Shorts and Screenings \* \* \* Ponca City Milling Company Ponca City, Oklahoma \* \* \* Crude Fiber not more than 6.00 Per Cent."

It was alleged to be adulterated in that wheat brown shorts had been substituted in whole and in part for wheat gray shorts, which it purported to be.

It was alleged to be misbranded in that the statements on the tag, "Gray Shorts" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since it was not gray shorts but was brown shorts; and it contained more than 6 percent of crude fiber, namely, 7.01 percent.

On September 2, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27762. Adulteration of canned salmon. U. S. v. Andrew S. Day (North Pacific Sea Foods). Plea of guilty. Fine, \$20 and costs.** (F. & D. No. 38681, Sample Nos. 2700-C, 10915-C, 11083-C, 23683-C, 29228-C, 29612-C, 29621-C, 29636-C, 32402-C, 32421-C.)

Samples of this product were found to be decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew S. Day, trading as North Pacific Sea Foods, at Valdez, Alaska, alleging shipment by said defendant in violation of the Food and Drugs Act in various consignments on or about August 16, August 23, September 19, and September 28, 1936, from Dayville, Alaska, into the State of Washington of quantities of canned salmon which was adulterated. One shipment was labeled in part: (Cans) "North View Brand Alaska Pink Salmon."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On August 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27763. Adulteration and misbranding of lime and lemon juices. U. S. v. 10 Cases of Lime Juice, et al. Default decree of condemnation and destruction.** (F. & D. Nos. 38883, 39917. Sample Nos. 12181-C to 12188-C, incl., 20870-C, 20871-C, 20872-C.)

Examination showed that these products consisted of water, lime or lemon juice, added acid, and, in some lots, added citrus peel oils.

On December 31, 1936, and June 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 cases of lime juice and 34 cases of lemon juice at Providence, R. I.; and 44 bottles of lime juice and 215 bottles of lemon juice at Pawtucket, R. I. alleging that the articles had been shipped in interstate commerce between the dates of August 21, 1935, and December 15, 1936, by Snow Crest, Inc., from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled: "Snow Crest DeLuxe Lime [or "Lemon"] Juice Snow Crest Inc. Salem, Mass." One lot was labeled: "Decanteur DeLuxe Lemon Juice Fashioned by Snow Crest, Salem, Mass."

The articles were alleged to be adulterated in that an imitation lime or lemon juice, consisting of water, lime or lemon juice, and added citric acid—and in some lots, added citrus-peel oils—had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted wholly or in part for the articles; and in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted of water, lemon or lime juice, added citric acid—and in some lots, added citrus-peel oils: "DeLuxe Lime [or "Lemon"] Juice Pure Lime [or "Lemon"] Juice Blended with Oil of Lime

[or "Lemon] and Fruit Acid," "Deluxe Lemon Juice;" and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 11 and September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27764. Adulteration of canned salmon. U. S. v. 600 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 38912. Sample No. 28455-C.)**

This product was in part decomposed.

On January 7, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned salmon at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by the Wesco Foods Co., Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "North Bay Brand Pink Salmon Distributed by Wesco Foods Company, \* \* \* Cincinnati, Ohio."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 26, 1937, the Ocean Packing Co., Seattle Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27765. Adulteration of canned cherries. U. S. v. 39 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 39144. Sample No. 29399-C.)**

Samples of this product were found to contain maggots.

On April 6, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned cherries at Oneonta, N. Y., alleging that the article had been packed by Ray-Maling Co., Inc., Woodburn, Oreg., and had been shipped in interstate commerce on or about February 9, 1937, by Balfour, Guthrie & Co., Ltd., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Klipnockie Brand Water Pack Red Pitted Cherries \* \* \* The Oneonta Grocery Co., Oneonta, N. Y., Distributors."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 16, 1937, no one having appeared except the Ray-Maling Co., Inc., which subsequently abandoned its claim, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27766. Adulteration of pecan meats. U. S. v. 23 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. & D. No. 39251. Sample Nos. 24697-C, 25085-C.)**

Samples of this product were found to be wormy and rancid.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cartons of pecan meats at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 14 and March 10, 1936, from San Antonio, Tex., by E. M. Zerr & Co., Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "From E. M. Zerr & Co., San Antonio, Texas."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27767. Adulteration of canned salmon. U. S. v. 159 Cartons and 36 Cases of Salmon. Consent decree of condemnation. Product released under bond.** (F. & D. Nos. 39429, 39430. Sample Nos. 22564-C, 22567-C.)

This product was in part decomposed.

On May 14, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 159 cartons of canned salmon at Panama City, Fla. (amended May 27, 1937) and a libel against 36 cases of canned salmon at Marianna, Fla., alleging that the article had been shipped in interstate commerce on or about October 8, 1936, by McGovern & McGovern from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "McGovern's Best \* \* \* Pink Salmon \* \* \* Distributed by McGovern & McGovern Seattle"; (cans) "Far North \* \* \* Pink Salmon \* \* \* McGovern & McGovern Seattle Sole Distributors."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 10, 1937, McGovern & McGovern, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27768. Adulteration of dried peaches. U. S. v. Nine Cases of Dried Peaches. Default decree of condemnation and destruction.** (F. & D. No. 39432. Sample No. 35983-C.)

This product was insect-infested.

On April 24, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of dried peaches at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about November 18, 1936, by the Albert Asher Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Lindley & Co. Reno Nevada \* \* \* Fancy Peaches."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27769. Adulteration of canned salmon. U. S. v. Alaska Salmon Co. Plea of guilty. Fine, \$200.** (F. & D. No. 39438. Sample Nos. 3634-C to 3639-C, incl., 3641-C, 3642-C, 3643-C, 4429-C, 4432-C, 4433-C.)

This product was in part decomposed.

On June 22, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Salmon Co., San Francisco, Calif., alleging shipment by said company on or about August 20, 1936, from Nushagak, Alaska, into the State of California of a quantity of unlabeled canned salmon that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On August 21, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27770. Adulteration of tomato puree. U. S. v. 42 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. No. 39662. Sample No. 33888-C.)

This product was found to contain excessive mold.

On May 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cases of canned tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 28, 1937, by the Loudon Packing Co., from Terre Haute, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Traymore Brand Tomato Puree Distributors Central Grocers Cooperative Inc Chicago Ill."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27771. Adulteration and misbranding of canned shrimp.** U. S. v. H. T. Cottam & Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39746. Sample Nos. 13886-C, 21607-C to 21613-C, incl.)

Samples taken from these various lots of canned shrimp were found to be decomposed. They also were found to be below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive head space and were not labeled to indicate that they were substandard. The cans in one lot contained less than the declared weight.

On July 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. T. Cottam & Co., Inc., New Orleans, La., alleging that on or about January 6, 11, 14, and 16, 1937, the defendant delivered for shipment from New Orleans, La., to La Guaira, and Puerto Cabello, Venezuela, quantities of canned shrimp; that on or about February 2, 1937, the defendant delivered for shipment from New Orleans, La., to Curacao, Dutch West Indies, a quantity of canned shrimp, and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Barataria Brand Shrimp Packed For Export Only \* \* \* Packed for H. T. Cottam & Co., Inc. New Orleans." The remainder was labeled: "Grand Island Brand Shrimp Wet Pack Net Wgt. 5½ Ozs. Lockport Packing Company Lockport, La."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard. The Grand Island brand was alleged to be misbranded further in that the statement "Net Wgt. 5½ ozs." was false and misleading and was borne on the label so as to deceive and mislead the purchaser since the cans contained less than 5½ ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 13, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27772. Adulteration and misbranding of lemon sour and misbranding of lime sour.** U. S. v. 10, 2, and 2 Cases of Lemon Sour and 45 Bottles of Lime Sour. Default decree of condemnation and destruction. (F. & D. Nos. 39875, 39886. Sample Nos. 20851-C, 20852-C.)

These products were labeled to convey the impression that they were bases from which fruit beverages could be made. Examination showed that the lemon sour was a mixture of water, acid, artificial color, and 20 percent or less of lemon juice; and that the lime sour was a mixture of water, acid, and oil of lime, with little or no lime juice.

On June 19 and 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of lemon sour, and 45 bottles of lime sour at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about September 15, 16, and 29, 1936, by the True Fruit Products Co., from Boston, Mass., and charging adulteration and misbranding of the former, and misbranding of the latter in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "Game Cock Lemon [or "Lime"] Sour Certified Color \* \* \* Bottled \* \* \* By True-Fruit Products Co. Boston, Mass."

The lemon sour was alleged to be adulterated in that a mixture of water, acid, artificial color, and a small proportion of lemon juice had been substituted for juice of fresh lemons, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

The lemon sour was alleged to be misbranded in that the following statements on the label, "Lemon Sour" and "Contains Juice of Fresh Lemons," were

false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of water, acid, artificial color, and 20 percent or less of lemon juice. The lime sour was alleged to be misbranded in that the statement "Lime Sour," on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of water, acid, and oil of lime, with little or no lime juice. Both products were alleged to be misbranded further in that they were imitations of other articles, namely, juice of fresh lemons and lime juice respectively.

On July 16 and September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27773. Misbranding of canned peas. U. S. v. 40 Cases of Canned Peas. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 39880. Sample No. 44114-C.)**

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 21, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned peas at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by the G. L. Webster Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Webster's Early June Peas \* \* \* Packed by G. L. Webster Company, Incorporated Cheriton Virginia."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 7, 1937, no claimant having appeared, judgment of condemnation was entered; and it was ordered that the product be relabeled to show that it was below the Government standard of quality, and sold by the United States marshal.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27774. Adulteration and misbranding of frozen egg yolks. U. S. v. 24 Cans of Frozen Egg Yolks. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39938. Sample No. 18724-C.)**

This product was represented to be egg yolks and sugar; whereas it consisted of egg yolks, sugar, and added egg white.

On July 1, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cans of frozen egg yolks at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 20, 1937, by the Ovson Egg Co. from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Ovson Standard Selected Fresh Eggs Frozen. \* \* \* A product of National Dairy \* \* \* Ovson Egg Company Chicago, Illinois."

It was alleged to be adulterated in that a mixture of egg yolk, egg white, and sugar had been substituted wholly or in part for egg yolks and sugar, which it purported to be.

The article was alleged to be misbranded in that the statements, "Sugaryolk is an egg yolk product. Contains only pure fresh egg yolk to which is added about 10% cane sugar," were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained added egg white.

On September 2, 1937, the Ovson Egg Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released to the claimant under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27775. Adulteration and misbranding of Mixade. U. S. v. 22 Cartons and 75 Cartons of Mixade. Default decrees of condemnation and destruction.**  
(F. & D. Nos. 39907, 39944. Sample Nos. 20867-C, 20868-C, 20869-C, 27321-C, 27322-C, 27323-C.)

These products were labeled to convey the impression that they were bases for the making of fruitade. Examination showed that they consisted of water, acid, artificial color, and citrus-oil flavor or artificial flavor, with little or no fruit juices.

On June 28 and July 6, 1937, the United States attorneys for the District of Rhode Island and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 22 cartons of Mixade at Providence, R. I., and 75 cartons of Mixade at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about April 15 and May 3, 1937, by the Ruby California Products Co. from Lynn, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Hostess Mixade \* \* \* Orange [or "Lemon-Lime" or "Grape"] \* \* \* Mfd & Guaranteed by Ruby California Products Co., Lynn, Mass."

The articles were alleged to be adulterated in that mixtures of water, acid, artificial color, and citrus-oil flavor, or artificial flavor, containing little or no fruit juices, had been substituted wholly or in part for the articles; and in that they were mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements on the label were false and misleading and tended to deceive and mislead the purchaser when applied to articles consisting of water, acid, artificial color, and citrus-oil flavor or artificial flavor, with little or no fruit juices, "Mixade \* \* \* Orange," "Mixade \* \* \* Lemon-Lime," and "Mixade \* \* \* Grape"; and in that they were imitations of other articles.

On August 11 and September 27, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27776. Adulteration and misbranding of Lem-Mix Concentrate. U. S. v. 57 Bottles of Lem-Mix Concentrate. Default decree of condemnation and destruction.**  
(F. & D. No. 39960. Sample No. 47123-C.)

This product was labeled to convey the impression that it was a lemon concentrate; whereas it consisted of an acid solution, artificial color, and a small proportion of lemon juice. The statement of contents was ambiguous since it did not indicate whether weight or volume was meant.

On July 9, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bottles of Lem-Mix Concentrate at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about May 25, 1937, by the Tavern Fruit Juice Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Capitol City Lem-Mix Concentrate Artificially Flavored, Artificially Colored, \* \* \* Bottled for Trenton Beverage Co. Trenton, New Jersey Contents 16 Ozs."

It was alleged to be adulterated in that an imitation lemon concentrate consisting of an acid solution, artificial color, and a small proportion of lemon juice had been substituted wholly or in part for lemon concentrate, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Lem-Mix Concentrate" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of an acid solution, artificial color, and a small proportion of lemon juice; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, lemon concentrate. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement "16 Ozs." was ambiguous and did not indicate whether weight or volume was meant.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27777. Misbranding of olive oil. U. S. v. 14 Cases and 56 Cases of Olive Oil. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. Nos. 39966, 39967. Sample Nos. 49017-C, 49018-C.)

This product was misbranded because it was short in volume; and its label conveyed the impression that it was Italian olive oil, whereas it was a domestic product.

On July 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of olive oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1937, by the Dyson Shipping Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: (Cans) "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co. Lucca, Cal. Contents  $\frac{1}{2}$  Gallon [or "1 Gallon"]."

The article was alleged to be misbranded in that the statements "Contents  $\frac{1}{2}$  Gallon" and "1 gallon," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that the prominent statements "From Lucca" and "Lucca Olive Oil Co." were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article came from Lucca, Italy, the well-known olive-oil-producing area, and these prominent statements were not corrected by the less conspicuous reference to Lucca, Calif. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 3, 1937, Frank Bennati, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered providing for release of the product under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27778. Misbranding of canned sardines. U. S. v. 998 Cases of Sardines. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 39972. Sample No. 39332-C.)

This product was short of the declared weight.

On July 24, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 998 cases of sardines at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 29, 1937, by the Sea Pride Packing Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "North Star Filets of Sardines \* \* \* Net Contents 9 Ounces or 255 Grams Distributed by North Star Company Seattle."

It was alleged to be misbranded in that the statement, "Net Contents 9 Ounces or 255 Grams," was false and misleading and tended to deceive and mislead the purchaser since the article was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 4, 1937, the North Star Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27779. Misbranding of canned tomatoes. U. S. v. 916 Cases of Tomatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. Nos. 39973 to 39975, incl. Sample Nos. 50644-C, 50645-C, 50701-C.)

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces, was not normally colored, and it was not labeled to indicate that it was substandard.

On July 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 916 cases of tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 28, 1937, by the Craddock Canning Co. from Raymondville, Tex., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Lee's Own Brand Tomatoes \* \* \*

Packed By Riona Products Company McAllen, Texas"; "Palm Valley Tomatoes  
 \* \* \* Packed by Palm Valley Canning Co. Combes, Tex."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces, was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 6, 1937, Edgar A. Craddock, Newbern, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond, conditioned that it be relabeled to comply with all the requirements of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27780. Alleged misbranding of butter. U. S. v. Great Atlantic & Pacific Tea Co.**  
**Tried to the court and a jury. Verdict of guilty on counts 2 and 3.**  
**Appealed to Circuit Court of Appeals. Judgment reversed. (F. & D.**  
 Nos. 39726, 39727, 39728. Sample No. 22-C.)

On March 12, 1935, the United States attorney for the District of Vermont, filed in the district court three informations against the Great Atlantic & Pacific Tea Co., a New Jersey corporation having places of business at St. Albans, Bristol, and Fair Haven, Vt. The informations alleged that on or about May 4 and May 23, 1934, the defendant received at Fair Haven and Bristol, Vt., certain shipments of print butter from the State of Massachusetts; that on or about January 24, 1935, the defendant received at St. Albans, Vt., certain shipments of print butter from the State of Maine; that having so received said butter, the defendant delivered it in the original unbroken packages for pay and offered to deliver it to any person willing to pay; and that it was misbranded in violation of the Food and Drugs Act.

The informations alleged that the article was misbranded in that it was labeled, "Silverbrook Pasteurized Creamery Butter Net Wgt. 1 Lb."; whereas of the 246 prints covered by the five shipments all but 22 prints contained less than 1 pound.

On October 22, 1935, the defendant having entered a plea of not guilty, the case came on for trial before a jury and, after some evidence had been introduced, was continued. On November 8, 1935, an information incorporating all charges in the three informations was filed. The informations filed October 22, 1935, were later dismissed. On July 23, 1936, the defendant having entered a plea of not guilty to the new information, the case came on for trial and on July 24, 1936, the jury returned a verdict of guilty on counts 2 and 3, covering 66 prints received from Maine on January 24, 1935, and 30 prints received from Massachusetts on May 23, 1934. *Nolle prosequi* was entered as to counts 1, 4, and 5. On February 13, 1937, the defendant was sentenced to pay a fine of \$200.

On November 13, 1937, on appeal to the Circuit Court of Appeals for the Second Circuit, the judgment of the district court was reversed with the following opinion:

**SWAN, Circuit Judge:** This is an appeal from a conviction upon two counts of an information, each of which charged that the defendant received an inter-state shipment of "prints" of butter, misbranded in respect to their weight, and offered them for sale at one of its stores in Vermont in violation of section 2 of the Food and Drugs Act (21 USCA sec. 2). The butter was shipped from the defendant's warehouses outside the state of Vermont in cardboard shipping boxes, each containing 50 blocks, or "prints," of butter. Each print was wrapped in a paper covering which bore a printed statement that it contained creamery butter of the net weight of one pound. The shipping boxes had no marks indicating their weight or contents. After receipt at the defendant's store the prints were removed from their shipping box and placed in a show case for sale to prospective customers. When tested by a state food inspector, fifty-nine out of sixty-six prints in the show case at the St. Albans store were found to be underweight. At the Bristol store twenty-six out of thirty prints in the show case were found short weight. There was testimony that the butter had been in the respective stores about one week at the time the inspector weighed it.

Section 2 of the Food and Drugs Act prohibits the introduction into any state from any other state of any article of food which is adulterated or misbranded as defined in other sections of the Act, and declares guilty of a misdemeanor.

\* \* \* \* any person who shall ship or deliver for shipment from any State \* \* \*  
 to any other State \* \* \* \* or who shall receive in any State \* \* \* \* from any

other State \* \* \* and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any person, any such article so adulterated or misbranded \* \* \*

Section 8 (21 USCA 9, 10) defines what is meant by "misbranded," and there can be no dispute that the underweight prints of butter were misbranded packages. *McDermott v. Wisconsin*, 228 U. S. 115, 130. The dispute arises over the phrase "original unbroken packages" in section 2. Throughout the trial the defendant contended that since it neither delivered nor offered to deliver to any person the prints of butter until they had been removed from their shipping box and mingled with the mass of property within the state, the act of offering them for sale neither had been nor could be, made a federal crime. The district judge, however, ruled to the contrary and charged that "original unbroken packages" meant the individual prints of butter. The correctness of this ruling presents the decisive question on appeal.

Had the information charged the defendant with shipping in interstate commerce misbranded prints of butter, the conviction would have presented little difficulty. The restriction of the applicability of the Act to original unbroken packages does not apply to the shipper. *Dr. J. L. Stephens Co. v. United States*, 203 F. 817 (C. C. A. 6); *United States v. Krumm*, 269 F. 848 (E. D. Pa.). But the defendant was charged only as the receiver of an interstate shipment, and section 2 declares guilty a receiver only when "having so received," he "shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any person" the misbranded article.

There is surprisingly little authority construing this portion of section 2. In *McDermott v. Wisconsin*, 228 U. S. 115, at 130, Mr. Justice Day said:

That the word "package" or its equivalent expression, as used by Congress in sections 7 and 8 in defining what shall constitute adulteration and what shall constitute misbranding within the meaning of the act, clearly refers to the immediate container of the article which is intended for consumption by the public, there can be no question. And it is sufficient, for the decision of these cases, that we consider the extent of the word package as thus used only, and we therefore have no occasion, and do not attempt, to decide what Congress included in the terms "original unbroken package" as used in the second and tenth sections and "unbroken package" in the third section.

In *United States v. Five Boxes of Asafoetida*, 181 F. 561, 564 (E. D. Pa.), there is a dictum by Judge Holland that claimants who had received adulterated or misbranded drugs from another state could not be convicted under section 2 if "they neither delivered nor offered to deliver it, for pay or otherwise, in the unbroken packages." The case of *Dr. J. L. Stephens Co. v. United States*, 203 F. 817 (C. C. A. 6) incorporates the charge of Judge Sater, who said (p. 820):

The words, "package" and "original unbroken package," are both used in the act. The word "package" is not used in the same sense as "original unbroken package." The framers of the act manifestly had in mind the definition heretofore given by the courts to the term "original package," and in the second, third, and tenth sections have used that expression, or its equivalent. It is used in those sections with reference to the situations which arise where the article transmitted has reached the vendee or consignee, but has not yet become a part of the general property of the state in which the vendee or consignee lives. The package, still being unbroken, and not having become a part of the property of the state, remains subject to federal control.

We think Judge Sater's view is correct. When the statute was passed in 1906 the phrase "original unbroken package" had long been used judicially to refer to the shipping box and to mark the boundaries between federal and state control of articles transported in interstate commerce. While the goods remained in the original unbroken package they were subject to the commerce power of Congress; after they were removed and mingled with the mass of local property they were, in general, subject to the power of the state. *Brown v. Maryland*, 12 Wheat, 419; *May v. New Orleans*, 178 U. S. 496; *Austin v. Tennessee*, 179 U. S. 343; *Weigle v. Curtice Brothers Co.*, 248 U. S. 285; *Hebe Co. v. Shaw*, 248 U. S. 297. We think it was with this distinction in mind and to avoid possible questions as to the power of Congress to make it a federal offense to offer the goods for sale after interstate transportation had ceased, that applicability of the section was limited in respect to receivers to the delivery or offering of the goods in original unbroken packages. In the light of subsequent cases it may be that congressional power would extend even after the original package was broken. See *Baldwin v. G. A. Seelig*, 294 U. S. 511. Even so, we are not at liberty to eliminate the phrase from the statute. No meaning whatever is given to it if it be construed to refer to the immediate container of the food—the "package" referred to in other sections of the act. Accordingly, we conclude that the conviction cannot be sustained.

Judgment reversed.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27781. Misbranding of Kold-Ade and Kool-Ade.** U. S. v. 34 Dozen Bottles of Kold-Ade. Default decree of condemnation and destruction. (F. & D. No. 39981. Sample No. 27347-C.)

These products were labeled to convey the impression that they were fruitade bases; whereas the orange, lemon, and lime and lemon varieties were artificially colored fruit bases flavored with essential oils, and the remaining products were artificially flavored and artificially colored and contained little or no fruit juices.

On July 16, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 dozen bottles of the products hereinafter described at Freehold, N. J., alleging that they had been shipped in interstate commerce on or about June 3, 1937, by the Drew Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled: "Kold-Ade [or "Kool-Ade"] \* \* \* Prepared with Selected Citrus Fruit Oils, Certified Color, Citric Acid \* \* \* Orange [or "Lemon & Lime" or "Lemon]." The remaining products were labeled: "Kold-Ade \* \* \* Prepared with Concentrated Fruit Juice, Fruit Esters & Essential Oils Citric Acid, Certified Color \* \* \* Raspberry [or "Pineapple," "Cherry," or "Grape"]." All were labeled further: "Drew Corporation, Brooklyn, N. Y."

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to products that were imitation fruitade bases, of which all were artificially colored, a part were flavored with essential oils, and the remainder were artificially flavored and contained little or no fruit juice: "Kool-Ade \* \* \* Orange [or "Lemon & Lime"]; "Kool-Ade \* \* \* Lemon"; "Kold-Ade \* \* \* Prepared With Concentrated Fruit Juice, \* \* \* Raspberry [or "Pineapple," "Cherry," or "Grape"]" were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27782. Misbranding of canned peaches.** U. S. v. 99 Cases of Yellow Cling Peaches. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39992. Sample No. 10790-C.)

This product fell below the standard for canned peaches established by this Department because it was water-packed, and it was not labeled to indicate that it was substandard.

On July 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 24, 1937, by the Calbear Canneries Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Milton Brand \* \* \* Yellow Cling Peaches \* \* \* Packed for M. I. Kimball & Co, Lawrence, Mass."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peaches were packed in water, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 9, 1937, the Calbear Canneries Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27783. Misbranding of butter.** U. S. v. 16 Cases of Print Butter. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40003. Sample No. 49412-C.)

This product was short weight.

On July 1, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of print butter at Elgin, Ill., alleging that the article had been shipped in interstate commerce

on or about June 24, 1937, by the Burlington Sanitary Milk Co. from Burlington, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Todson's Jersey Brand Butter \* \* \* One Pound Net Weight \* \* \* Packed for Todson's Creamery Elgin Illinois."

It was alleged to be misbranded in that the statement "One Pound Net Weight" was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 24, 1937, the Burlington Sanitary Milk Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27784. Adulteration and misbranding of Maple Maid. U. S. v. 48 Boxes of Instant Maple Maid. Default decree of condemnation and destruction. (F. & D. No. 40005. Sample No. 33730-C.)**

This product was labeled to convey the impression that it was a maple concentrate; whereas it consisted of artificial flavor, corn sugar, and caramel, and it contained little or no maple product.

On July 23, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of Instant Maple Maid at Adrian, Mich., alleging that the article had been shipped in interstate commerce on or about October 19, 1936, by the Curtiss Candy Co. from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Instant Maple Maid For Syrup-Topping Fudge Frosting \* \* \* Made by Miracle Jel, Incorporated, Chicago, Illinois."

It was alleged to be adulterated in that an imitation maple concentrate consisting of artificial flavor (fenugreek), corn sugar, and caramel, containing little or no maple product, had been substituted wholly or in part for maple concentrate, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements and designs, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of artificial flavor, corn sugar, and caramel and contained little or no maple product: "[Design of a maple grove, sled, and sap tank] Maple Maid \* \* \* Flavor of Maple Maid Syrup \* \* \* Maple Maid Syrup \* \* \* Maple Syrup \* \* \* Maple Topping \* \* \* Maple Milk Shake \* \* \* Maple Maid Fudge \* \* \* True Maple Flavor \* \* \* Carameled Maple Sugar." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, maple concentrate.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27785. Misbranding of Kold-Ade (assorted flavors). U. S. v. 22 Boxes of Kold-Ade. Default decree of condemnation and destruction. (F. & D. No. 40017. Sample Nos. 42953-C to 42960-C, incl.)**

These products, with the exception of the root beer, were labeled to convey the impression that they were fruitade bases, whereas they were artificially colored and contained little or no fruit juice; some were flavored with citrus-oil flavors and the others with artificial flavors. The root beer was a nonsweetened root-beer concentrate and was represented to contain fruit juice and fruit esters.

On July 28, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 boxes, each containing 24 bottles of Kold-Ade, at Pittsburgh, Pa., alleging that they had been shipped in interstate commerce on or about May 28, 1937, by the Drew Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The orange, lemon, and lemon and lime were labeled: "Kold-Ade \* \* \* Prepared With Selected Citrus Fruit Oils, Certified Color, Citric Acid \* \* \* Orange [or "Lemon & Lime" or "Lemon"]." The remaining products were

labeled: "Kold-Ade \* \* \* Prepared with Concentrated Fruit Juice, Fruit Esters and essential oils Raspberry [or "Pineapple," "Cherry," "Grape," or "Root Beer"]." All were labeled further: "Drew Corporation Brooklyn, N. Y."

The articles, with the exception of the root beer, were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to products that contained artificial color and little or no fruit juice—the orange, lemon, and lemon and lime containing citrus-oil flavor, and the remaining products containing artificial flavor: "Kold-Ade \* \* \* Orange [or "Lemon," "Lemon and Lime," "Raspberry," "Pineapple," "Cherry," or "Grape"]." The root beer was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a characteristic nonsweetened root-beer concentrate: "Kold-Ade \* \* \* Prepared with concentrated fruit juice, fruit esters \* \* \* certified color." All, with the exception of the root beer, were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27786. Adulteration of Limburger cheese. U. S. v. 130 and 65 2-pound Pieces of Limburger Cheese (and one other seizure action). Default decree of condemnation and destruction.** (F. & D. Nos. 40025, 40044. Sample Nos. 20004-C, 20005-C, 45802-C.)

This product contained portions of insects.

On July 31 and August 7, 1937, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 195 2-pound pieces and 10 cases of Limburger cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 1 and July 9, 1937, by Hoffman & Mason, Inc., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27787. Adulteration of Limburger cheese. U. S. v. 141 Pieces of Limburger Cheese. Default decree of condemnation and destruction.** (F. & D. No. 40026. Sample No. 20006-C.)

This product contained portions of insects.

On July 31, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 pieces of Limburger cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by Carl Marty & Co. from Monroe, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Clear Brook Limburger Cheese \* \* \* Wilson & Co. Distributors \* \* \* Chicago, Ill."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 28, 1937, no claimant having appeared judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27788. Adulteration and misbranding of lemon flavor, lemon juice, and lime juice. U. S. v. Thirty-five 1-gallon Bottles of 100% Pure Lemon, et al. Default decree of condemnation and destruction.** (F. & D. No. 40030. Sample Nos. 37533-C, 37950-C, 37970-C.)

These products were represented to be pure lemon juice, pure lime juice, and pure lemon flavor; whereas they were mixtures of artificially colored acid solutions and citrus-oil flavors containing little or no fruit juice. The labels bore no statement of the quantity of the contents.

On August 2, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 gallon bottles of the above-described

products at Jersey City, N. J., alleging that they had been shipped in interstate commerce on or about July 7 and 19, 1937, by Sylvester Products Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The lemon and lime juices were labeled: "Cocktail Hour 100% Lemon [or "Lime"] Juice Made with Fresh Fruits Fruit Acids Certified Colors." The remaining product was labeled: "Cocktail Hour The Contents of this bottle is 100% Pure Lemon. No artificial Coloring No Preservatives used."

The articles were alleged to be adulterated in that mixtures of artificially colored acid solutions and citrus-oil flavors, containing little or no fruit juice, had been substituted wholly or in part for 100 percent pure lemon, 100 percent lemon juice, and 100 percent lime juice; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the statements, "100% Pure Lemon No Artificial Coloring" and "100% Lemon Juice [or "Lime Juice"] Made with Fresh Fruits Fruit Acids," were false and misleading and tended to deceive and mislead the purchaser when applied to articles consisting of mixtures of artificially colored acid solutions and citrus-oil flavors and containing little or no fruit juice; and in that they were offered for sale under the distinctive names of other articles. They were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27789. Misbranding of canned tomatoes. U. S. v. 104 Cases of Canned Tomatoes. Consent decree entered. Product released under bond to be relabeled. (F. & D. No. 40082. Sample Nos. 50752-C, 50761-C.)**

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On August 5, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cases of canned tomatoes at Boise, Idaho, alleging that the article had been shipped in interstate commerce from Ogden, Utah, in part on or about February 19, 1937, by the Foods Produce Co., and in part on or about June 16, 1937, by H. D. Olson, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Craigs Perfection Brand Tomatoes with Puree from Trimmings \* \* \* Distributed by H. D. Olson & Sons Ogden Utah."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On September 9, 1937, Reilly Atkinson & Co. having filed a claim on behalf of H. D. Olson, of Ogden, Utah, the packer, and the Dependable Wholesale Co., Inc., the owner, and having consented to the entry of a decree, the court ordered the product released to claimant under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27790. Adulteration and misbranding of sweet ground chocolate. U. S. v. 6 Barrels of Chocolate. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40043. Sample No. 49308-C.)**

This product was deficient in fat.

On or about August 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels of chocolate at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 8 and March 9, 1937, by Rockwood & Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rockwood \* \* \* Sweet Ground Chocolate Manufactured by Rockwood & Co., Brooklyn, N. Y."

It was alleged to be adulterated in that a mixture of sugar and a cacao product containing less fat than is contained in chocolate had been substituted

for sweet ground chocolate, which it purported to be; and in that it had been mixed in a manner whereby its inferiority was concealed.

It was alleged to be misbranded in that the statement "Sweet Ground Chocolate," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in fat. It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On September 22, 1937, Rockwood & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27791. Misbranding of maple-flavored butter. U. S. v. 9 Cartons of Maple Flavored Butter, et al. Default decree of condemnation and destruction. (F. & D. No. 40045. Sample Nos. 21223-C, 21224-C.)**

These products were mixtures of cane and beet sugar, glucose, maple sugar, and imitation maple flavor—one containing in addition, orange and pineapple pulp—and their labels bore statements and designs which conveyed the impression that they were maple products; and this impression was not corrected by the inconspicuous declaration of artificial flavor.

On August 9, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 cartons of a product labeled "Maple Flavored Butter" and 10 cartons of another product labeled "Maple Flavored Butter Orange Pineapple" at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about July 7, 1937, by the Vermont Maple Tree Sugar Co. from Burlington, Vt., and charging misbranding in violation of the Food and Drugs Act. Both products were labeled further: "Flavored with Vermont Maple Sugar and Artificial Flavor Mfd. By The Vermont Maple Tree Sugar Co., Burlington, Vermont."

The articles were alleged to be misbranded in that the name "Fresh Made Vermont Maple Flavored Butter," the design of maple trees conspicuously displayed on the labels of both products, and the words "Orange Pineapple" on the label of one, were false and misleading and tended to deceive and mislead the purchaser since they implied that the product labeled "Orange Pineapple" was a maple product containing orange and pineapple, and that the other was a 100-percent maple product; whereas the articles contained also cane or beet sugar, glucose, imitation maple flavor, and the misleading impression made by the name and design was not corrected by the inconspicuous declaration of artificial flavor. They were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, namely, "Maple Flavored Butter" and "Maple Flavored Butter, Orange Pineapple," respectively.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27792. Misbranding of canned peas. U. S. v. 450 Cartons of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 40046. Sample No. 42807-C.)**

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 7, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 cartons of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 19, 1937, by the Phillips Sales Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Choptank Brand Early June Peas \* \* \* Phillips Sales Co. Inc., Cambridge, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27793. Adulteration and misbranding of Lemon Squeeze and Lime Squeeze.**  
**U. S. v. 68 Gallons of Lemon Squeeze and 22 Gallons of Lime Squeeze.**  
**Default decree of condemnation and destruction. (F. & D. No. 40051.**  
**Sample Nos. 38161-C, 38162-C.)**

These products were labeled to convey the impression that they consisted essentially of citrus juice to which acid had been added, whereas they consisted of water with acid and but a small amount of citrus juice.

On August 10, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 gallons of Lemon Squeeze and 22 gallons of Lime Squeeze at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about July 20 and July 29, 1937, by the S. J. Baron Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "New Jersey Brand \* \* \* Lemon [or "Lime"] Squeeze \* \* \* New Jersey Tobacco Company, Distributors."

They were alleged to be adulterated in that mixtures consisting chiefly of water with acid and small amounts of citrus juices had been substituted wholly or in part for lemon juice and acid, or lime juice and acid, which they purported to be. They were alleged to be adulterated further in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted essentially of water with acid and small amounts of citrus juices: "Lemon Squeeze [or "Lime Squeeze"] Use exactly as fresh lemon juice \* \* \* Made from fresh lemons and added acid from citrus fruit." They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, lemon juice and acid, and lime juice and acid.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27794. Misbranding of fruit flavors. U. S. v. 260 Cases of Assorted Fruit Flavors. Products released under bond for relabeling. (F. & D. No. 40052. Sample Nos. 42822-C to 42825-C, incl., 42951-C.)**

These products were all artificially colored, and a portion of them were artificially flavored.

On August 10, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 cases of assorted fruit flavors at Pittsburgh, Pa., alleging that they had been shipped in interstate commerce between the dates of June 8 and June 19, 1937, by the Sol Lenzner Corporation from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled: "Queen-O Home-Ade (Concentrated) Fruit Flavors Fruit Acid Certified Color Added Cherry and Pit [or "Raspberry," "Strawberry," "Orange," or "Lemon and Lime"] \* \* \* Sol Lenzner Corporation, Buffalo, N. Y."

The articles were alleged to be misbranded in that the following statements borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were imitation beverage flavors, since the cherry and pit, raspberry, and strawberry were artificially colored and flavored, and the orange and lemon and lime were artificially colored and had been made up into beverages resembling fruit juices: "Fruit Flavors \* \* \* Cherry and Pit" [or "Raspberry," "Strawberry," "Orange," or "Lemon and Lime"]. They were alleged to be misbranded further in that they were imitations of other articles, namely, cherry and pit, raspberry, strawberry, orange, and lemon and lime fruit flavors.

On August 17, 1937, the Sol Lenzner Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the products be released under bond conditioned that they be relabelled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27795. Misbranding of honey.** U. S. v. 26 Cartons of Honey (and one other seizure action against the same product). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 40047 to 40050, incl. Sample Nos. 50768-C to 50771-C, incl., 51129-C.)

This product was short of the declared weight.

On August 9 and August 12, 1937, the United States attorneys for the Western District of Washington and the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 26 cartons of honey at Seattle, Wash., and 266 cases of honey at Spokane, Wash., alleging that the article had been shipped in interstate commerce by R. D. Bradshaw & Sons from Wendell, Idaho, in various shipments on or about February 27, April 20, and July 28, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Bradshaw's Clover Blossom Honey Net Weight 9 Lbs. [or "5 Lbs" or "1 Lb"] \* \* \* R. D. Bradshaw & Sons \* \* \* Wendell, Ida." The remainder was labeled: (Jar) "Bradshaw's Pure Honey Net Wt. 17 Oz. Wendell, Idaho."

The article was alleged to be misbranded in that the statements of the weight declared on the labels, namely, "Net Weight 9 Lbs. [or "5 Lbs," "1 Lb," or "17 Oz."]," were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 2 and September 7, 1937, R. D. Bradshaw having appeared as claimant on behalf of R. D. Bradshaw & Sons, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27796. Adulteration and misbranding of punch.** U. S. v. 4 Cases, et al., of Punch. Default decree of condemnation and destruction. (F. & D. Nos. 40051, 40055. Sample Nos. 20948-C to 20952-C, incl., 20953-C, to 20959-C, incl.)

These products were all misbranded because the labels failed to bear a plain and conspicuous statement of the quantity of contents. With the exception of the lemon and lime and the orange types, all were adulterated because they were mixed and colored in a manner whereby inferiority was concealed; and were misbranded because of the prominence of the name and the obscure declaration of imitation fruit flavor, fruit acid, and certified color which was printed vertically at one side.

On August 11, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 41 cases of punch at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about June 17 and July 15, 1937, by the Roma Extract Co., Inc., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Roma Punch [or "Three Star Punch"] \* \* \* Imitation Fruit Flavor, Sugar Syrup, Fruit Acid, and Certified Color Roma Extract Co. Inc., Boston, Mass." Certain types were labeled further: "Cherry" [or "Raspberry," "Strawberry," or "Grape"] Flavor."

The cherry, raspberry, strawberry, and grape varieties were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The said varieties were alleged to be misbranded in that the statements, "Punch Cherry Flavor," "Punch Raspberry Flavor," "Punch Strawberry Flavor," and "Punch Grape Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored and flavored acid solutions; and the misleading impression conveyed by the name, which was prominently displayed on the principal panel, was not corrected by the obscure declaration of imitation fruit flavor, fruit acid, and certified color. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry, grape, cherry, and raspberry flavors. The libels charged that the said varieties were misbranded further and that the lemon and lime and orange types also were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27797. Misbranding of orange juice. U. S. v. 52 Cases of Orange Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40058. Sample No. 45755-C.)**

This product was short of the declared volume.

On or about August 12, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of orange juice at Waterloo, Iowa, alleging that the article had been shipped in interstate commerce on or about February 8, 1937, by Val Vita Food Products, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Dinner Party Orange Juice Contents 15 Fl. Oz. \* \* \* Smith, Lichty & Hillman Co., Distributors, Waterloo, Iowa."

The article was alleged to be misbranded in that the statement "Contents 15 Fl. Oz." borne on the can, was false and misleading and tended to deceive and mislead the purchaser since the cans contained less than 15 fluid ounces. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement on the label was incorrect.

On September 4, 1937, Smith, Lichty & Hillman Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27798. Adulteration of apples. U. S. v. 10 Bushels of Melba Apples. Default decree of condemnation and destruction. (F. & D. No. 40075. Sample No. 67416-C.)**

This product was contaminated with lead.

On July 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about July 22, 1937, by Lester Collins from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27799. Adulteration of butter. U. S. v. 193 Tubs, 100 Tubs, and 2 other shipments of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 40079, 40084, 40178, 40185. Sample Nos. 27220-C, 34068-C, 34069-C, 37221-C, 37222-C, 49503-C.)**

This product contained less than 80 percent of milk fat; and samples taken from one shipment were found to contain mold, insects, and other filth.

On or about July 19, July 27, August 9, and August 11, 1937, the United States attorneys for the Southern District of New York and Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 193 tubs of butter at New York, N. Y., and 590 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various shipments on or about June 26 and July 6, 7, and 10, 1937, by the Pruitt Produce Co. from Ardmore, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat. The lot seized at New York was alleged to be adulterated further in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On August 20 and September 8, 1937, the Pruitt Produce Co., Ardmore, Okla., and Miles Friedman, Inc., Chicago, Ill., having appeared as claimants for their

respective portions of the article and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked to the legal standard, with the exception that such portion of the butter seized at New York, N. Y. which was found to contain filth, was ordered denatured or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27800. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40080. Sample Nos. 37556-C, 37557-C.)**

This product contained less than 80 percent of milk fat.

On July 29, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 22, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 10, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27801. Misbranding of chocolate-flavored malted milk. U. S. v. 15 Cases and 12 Cases of Chocolate Flavored Malted Milk (and 2 other seizure actions against the same product.) Default decrees of condemnation and destruction. (F. & D. Nos. 39986, 39988, 40011, 40012. Sample Nos. 46379-C, 48720-C, 56124-C, 56125-C.)**

This product was represented to be chocolate-flavored malted milk; whereas it was a mixture of sucrose, skimmed-milk powder, and cocoa—and in some lots, malt extract. It contained no malted milk.

On July 19, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of chocolate-flavored malted milk at Erie, Pa. On July 20 and July 23, 1937, libels were filed against 181 cases of the product at Kansas City, Mo., and 24 $\frac{1}{2}$  dozen glasses, 21 $\frac{1}{2}$  dozen cans, and 15 $\frac{1}{2}$  dozen jars of the product at Philadelphia, Pa. The libels alleged that the article had been shipped in interstate commerce by the Euclid Coffee Co. from Cleveland, Ohio, between the dates of May 20 and July 7, 1937, and that it was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Taste Rite Chocolate Flavored Malted Milk \* \* \* The Euclid Coffee Co. Cleveland, Ohio." The remainder was labeled: "Fyne Taste Chocolate Flavored Malted Milk \* \* \* Union Premier Stores, Inc. Philadelphia, Pa."

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no malted milk: (Label of portions) "Chocolate Flavored Malted Milk \* \* \* is a blend of the finest grades of Malted Milk"; (label of remainder) "Chocolate Flavored Malted Milk."

On August 12, August 16, and September 27, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27802. Adulteration of wheat flour. U. S. v. 790 Bags and 984 Bags of Wheat Flour. Consent decree of condemnation. Product released under bond conditioned that it should not be disposed of for human consumption. (F. & D. Nos. 40145, 40146. Sample Nos. 53333-C, 53334-C.)**

This product was weevil-infested.

On August 17, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,774 bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce by the Western Milling Co. from Portland, Oreg., on or about April 20, 1937, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver-Cup Soft Wheat Flour \* \* \* Western Milling Co., Pendleton, Oregon."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 29, 1937, Ballard & Ballard Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of for human consumption, but that it might be disposed of for animal feed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27803. Adulteration and misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook.** Pleas of guilty. Socrates Moscahlades sentenced to 1 year on count 1 and 1 year on count 2, sentences to run consecutively but suspended, and defendant placed on probation for 2 years. Socrates Moscahlades also fined \$1,800; Adolphus Brook fined \$1,200; corporation fined \$18, payment of which was remitted. (F. & D. No. 37961. Sample Nos. 52914-B, 52915-B, 56197-B, 56198-B, 61735-B, 62918-B, 67701-B.)

This product was adulterated with tea-seed oil.

On July 27, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moscahlades Bros., Inc., a corporation, New York, N. Y., and Socrates Moscahlades and Adolphus Brook, at the time of the shipments hereinafter mentioned, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 28, 1935, from the State of New York into the State of Pennsylvania; on or about January 14, January 21, and February 17, 1936, from the State of New York into the State of Ohio; on or about February 11, 1936, from the State of New York into the State of Missouri; and on or about March 3, 1936, from the State of New York into the State of Virginia of various lots of olive oil that was adulterated and misbranded. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. \* \* \* New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article; namely, olive oil; in that the statements, "Imported virgin olive oil \* \* \* puro olio d'oliva vergine \* \* \* The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. L'olio di oliva che questa latta contiene. E prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso è altamente raccomandato tanto per uso da tavola come per uso medicinale \* \* \* Imported Olive Oil," and the design on the main panel of an olive branch and olives, borne on the cans containing the article, were false and misleading and in that said statements and design were borne on the cans so as to deceive and mislead the purchaser in that they represented that the article was composed wholly of olive oil; whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil.

On October 4, 1937, pleas of guilty were entered on behalf of all defendants, and Socrates Moscahlades was sentenced to 1 year on count 1 and 1 year on count 2—sentences to run consecutively. Execution was suspended and defendant was placed on probation for 2 years. Socrates Moscahlades was also fined \$1,800. Adolphus Brook was fined \$1,200; and Moscahlades Bros., Inc., was fined \$18, which was remitted.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27804. Misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook.** Pleas of guilty. Fines, totaling \$150, which were remitted. (F. & D. No. 30134. I. S. No. 38663.)

This product was short of the declared volume.

On April 21, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moscahlades Bros., Inc., New York, N. Y., and Socrates Moscahlades and Adolphus Brook, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 29, 1932, from the State of New York

into the State of Pennsylvania of a quantity of olive oil that was misbranded. The article was labeled in part: "One Gallon Elephant Brand Imported Virgin Olive Oil Embro Import Co. Sole Distributors."

It was alleged to be misbranded in that the statement "One Gallon," borne on the can, was false and misleading and was borne on the can so as to deceive and mislead the purchaser since the cans contained less than 1 gallon of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 11, 1937, pleas of guilty were entered on behalf of the defendants; and the court imposed a fine of \$50 against each of the three defendants, but remitted payment in view of the fines imposed against the same defendants in the case reported in notice of judgment No. 27803.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27805. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40188. Sample Nos. 38551-C, 38555-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by the Staunton Creamery from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Staunton Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27806. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40189. Sample No. 38552-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 9, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 24, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27807. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40190. Sample No. 38553-C.)**

This product contained less than 80 percent of milk fat.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 12, 1937, by the Bedford Creamery from Bedford, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 26, 1937, the Bedford Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27808. Adulteration of cream. U. S. v. Ten 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 40203. Sample No. 47853-C.)**

This product was filthy or decomposed or both.

On July 13, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 10-gallon cans of cream at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about July 11, 1937, by the Bradbury Produce Co., in various shipments from Woodward, Shattuck, and Arnett, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On September 29, 1937, the shipper through its agents, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27809. Adulteration of huckleberries. U. S. v. 2 Crates and 2 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 40205, 40207. Sample Nos. 47071-C, 47072-C.)**

This product was found to be infested with maggots.

On August 18, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1937, in part by W. B. Layton from Laurel, Del., and in part by W. C. Truitt from Millsboro, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was infested with maggots.

On September 10, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27810. Adulteration of huckleberries. U. S. v. 1 Crate (and 3 other seizures) of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40206. Sample Nos. 46546-C, 46547-C, 46549-C, 46550-C.)**

This product contained maggots.

On August 11, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1937, in various shipments by Nathan Bogett, Howard Thompson, N. L. Yousan, and T. L. Thompson, from Faison, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27811. Misbranding of canned cherries. U. S. v. 99 Cases and 98½ Cases of Cherries. Product released under bond to be relabeled. (F. & D. No. 40208. Sample Nos. 48358-C, 48359-C.)**

One lot of this product contained excessive pits, and the can label did not bear the substandard legend. The other lot contained excessive pits and was water-packed, and the cans were unlabeled.

On August 27, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197½ cases of canned cherries at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Orrtanna Canning Co. from Orrtanna, Pa., and charging misbranding in violation of the Food and Drugs Act. One lot was labeled: (Can) "Pocahontas Brand Red Sour Pitted Cherries \* \* \* Packed for H. P. Taylor Jr. Inc. Sole Distributors Richmond, Va." The other lot was unlabeled but was invoiced "R. S. P. Cherries."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present in both lots more than one cherry pit per 10 ounces of net contents and the cherries in one lot were packed in water; and the package or label did not bear a plain and conspicuous statement prescribed by the regulations of this Department indicating that it fell below such standard.

On September 21, 1937, the Orrtanna Canning Co., Orrtanna, Pa., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27812. Adulteration and misbranding of butter. U. S. v. 36 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40209. Sample No. 39046-C.)**

This product contained less than 80 percent of milk fat.

On August 2, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cubes of butter at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about July 27, 1937, by the Lander Creamery Co. from Rawlins, Wyo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lander Creamery Co Primrose Ice Cream Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that the statement "Butter" was false and misleading and deceived the purchaser since it contained less than 80 percent of milk fat.

On August 13, 1937, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27813. Misbranding of canned tomatoes. U. S. v. 198 Cases of Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40215. Sample No. 44037-C.)**

This product fell below the standard for canned tomatoes established by this Department because it was not normally colored, and it was not labeled to indicate that it was substandard. It also was falsely labeled as to the name of the packer and place of manufacture.

On or about September 8, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned tomatoes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, by the Pomona Products Co. from Adel, Ga., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Royal King Brand Tomatoes \* \* \* Packed by Holloway Canning Co. Ft. Pierce, Florida."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the tomatoes were not normally colored, and the label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement, "Packed By Holloway Canning Co. Ft. Pierce, Florida," was

false and misleading and tended to deceive and mislead the purchaser when applied to tomatoes that were not packed in Florida and that were not packed by the Holloway Canning Co.

On September 16, 1937, the Pomona Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27814. Adulteration of shell eggs. U. S. v. 2 Cases of Eggs. Default decree of condemnation and destruction.** (F. & D. No. 40222. Sample No. 35746-C.)

Samples of this product were found to be decomposed.

On August 28, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of eggs at Oakland, Calif., alleging that they had been shipped in interstate commerce on or about August 21, 1937, by Idaho Falls Poultry Co. from Idaho Falls, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Idaho Falls Poultry Co. Idaho Falls, Idaho \* \* \* Bloods Not For Human Use."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed or putrid animal substance.

On September 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27815. Adulteration of blueberries. U. S. v. 5 Crates (and 4 other seizures) of Blueberries. Default decrees of condemnation and destruction.** (F. & D. Nos. 40232, 40233, 40241, 40242, 40283. Sample Nos. 38521-C, 38568-C, 38576-C, 38577-C, 38582-C, 38584-C.)

Samples of this product were found to be infested with maggots.

On August 20, 23, and 27, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 26 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments from August 17 to August 24, 1937, by W. B. Blaisdell & Co., and M. P. Noyes from Franklin, Maine; Alex Wallenius from Union, Maine; and Herbert Farren from Cherryfield, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 3 and 13, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27816. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction.** (F. & D. No. 40234. Sample No. 54786-C.)

This product contained maggots.

On August 25, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information praying seizure and condemnation of six crates of blueberries at Boston, Mass., consigned August 24, 1937, alleging that the article had been shipped by Myron C. Carter from North Sedgwick, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 4, 1937, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27817. Adulteration of butter. U. S. v. 42 Boxes of Butter. Decree of condemnation. Product released under bond.** (F. & D. No. 40236. Sample No. 54617-C.)

This product contained less than 80 percent of milk fat.

On August 23, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of butter at Springfield, Mass., consigned about August 9, 1937, alleging that the article had been

shipped in interstate commerce by North American Creameries, Inc., from Carrington, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 28, 1937, North American Creameries, Inc., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released upon the deposit of cash collateral, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27818. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40240. Sample No. 44043-C.)**

This product was contaminated with arsenic and lead.

On or about August 25, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 13, 1937, by Chas. W. Duke from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On August 26, 1937, no claim having been entered for the product, judgment of condemnation was entered and it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27819. Adulteration of crab meat. U. S. v. 201 Pounds of Crab Meat (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 40244, 40257, 40333. Sample Nos. 58810-C, 67488-C, 67489-C.)**

Samples of this product were found to contain filth.

On August 27 and September 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 431 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about August 24, and in part on or about September 6, 1937, by the George O. Powley Co. from Wingate, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 30, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27820. Adulteration of butter. U. S. v. 19 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40255. Sample No. 89366-C.)**

This product contained less than 80 percent of milk fat.

On August 3, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the Albany Creamery Association from Albany, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 18, 1937, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27821. Adulteration and misbranding of butter.** U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40273. Sample No. 34096-C.)

This product contained less than 80 percent of milk fat.

On or about August 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 21, 1937, from Sutherland, Iowa, by the Sutherland Creamery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ayrshire Brand Creamery Butter Unsalted \* \* \* Sold by H. C. Christians Co. Johnson Creek, Wisconsin."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On September 1, 1937, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be brought up to the standard required by law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27822. Adulteration of cherries.** U. S. v. 5 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. No. 40276. Sample No. 49871-C.)

This product was contaminated with arsenic and lead.

On August 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 13, 1937, by C. C. Kneibes from Watervliet, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27823. Adulteration of walnut meats.** U. S. v. 60 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. No. 40297. Sample No. 51536-C.)

Samples of this product were found to be moldy, worm-eaten, and rancid.

On September 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 20, 1937, by the Terminal Refrigerating Co. from Wilmington, Calif., for Morris Rosenberg, Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rose Brand Nut Meats Morris Rosenberg Los Angeles Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On September 25, 1937, Morris Rosenberg, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering that the product be released to claimant under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27824. Adulteration of grapefruit.** U. S. v. 17 Boxes of Grapefruit. Default decree of condemnation and destruction. (F. & D. No. 40304. Sample No. 27147-C.)

This product was immature and had been artificially colored.

On September 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 17 boxes of grapefruit at New York, N. Y., alleging that the article had been shipped on or about September 10, 1937, by F. D. A. Carpenter, trading as Villa de Leon Fruit Co., from Bayamon, P. R., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bright Villa de Leon, Bayamon, Puerto Rico Grown and Packed by Murphy and Clark."

The libel alleged that the article was immature and artificially colored with ethylene gas or by sweating, and that it was adulterated in that it had been colored in a manner whereby inferiority was concealed.

On October 2, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27825. Adulteration of frozen strawberries. U. S. v. 2 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40339. Sample No. 50808-C.)**

These strawberries were in part moldy.

On September 21, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of strawberries at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, by the Frisbie Maple Sugar & Maple Syrup Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On November 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27826. Adulteration of butter. U. S. v. 36 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reconditioned. (F. & D. No. 40340. Sample No. 48011-C.)**

This product contained less than 80 percent of milk fat.

On September 8, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cubes of butter at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, from Cheyenne, Wyo., having been shipped by the Corbett Ice Cream Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 14, 1937, the Corbett Ice Cream Co., Cheyenne, Wyo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27827. Adulteration of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation. Product released under bond to be reconditioned. (F. & D. No. 40347. Sample No. 67500-C.)**

This product contained less than 80 percent of milk fat.

On September 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, by the Northwest Dairy Forwarding Co. from Duluth, Minn., for the Richmond Cooperative Creamery, Richmond, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 15, 1937, the Northwest Dairy Forwarding Co., Duluth, Minn., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27828. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. & D. No. 40367. Sample No. 60408-C.)

This product contained less than 80 percent of milk fat.

On or about September 3, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 25, 1937, by the Clarco Products Co. from Chickasha, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 20, 1937, Karsten & Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27829. Adulteration and misbranding of butter. U. S. v. Deer Park Creamery Co. Plea of nolo contendere. Fine, \$75. (F. & D. No. 36034. Sample Nos. 24091-C, 24092-C.)**

This product contained less than 80 percent of milk fat.

On July 8, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Deer Park Creamery Co., a corporation, Deer Park, Wash., alleging that on or about November 30, 1936, the defendant sold and delivered to Swift & Co., at Spokane, Wash., a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that on or about December 3, 1936, portions of the said butter, in the identical condition as when it was received, was shipped by Swift & Co. from the State of Washington into the State of Idaho; and charging that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Swift's Brookfield Butter \* \* \* Distributed by Swift & Company \* \* \* Chicago."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 7, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27830. Adulteration of canned salmon. U. S. v. Independent Salmon Canneries, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 36962. Sample Nos. 26569-B, 37892-B.)**

This product was in part decomposed.

On March 3, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Independent Salmon Canneries, Inc., Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about August 9, 1935, from Ketchikan, Alaska, into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27831. Adulteration and misbranding of olive oil. U. S. v. Cosmos Food Stores, Inc., and Paul B. Booras. Pleas of guilty. Corporation fined \$1; Paul B. Booras fined \$100, payment of which was suspended and defendant placed on probation for 1 year. (F. & D. No. 37922. Sample Nos. 65614-B to 65624-B, incl.)**

This product was adulterated with tea-seed oil.

On September 21, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cosmos Food Stores, Inc., Lynn, Mass.,

and Paul B. Booras, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 16 and December 19, 1935, and January 25, 1936, from the State of Massachusetts into the State of New Hampshire of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: "Cosmos Brand \* \* \* Pure Italian Olive Oil \* \* \* Cosmos Food Inc. Importers."

It was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; in that the statements and designs borne on the cans, "Imported Extra Fine Virgin \* \* \* Pure Italian Olive Oil [designs of medals inscribed "Vittorio Emanuele III Re D'Italia" and "Exposition Agricoltura Roma Medaglia D'Oro"] Gold Medal Award \* \* \* Extra Fine Pure Olive Oil This Olive Oil is guaranteed absolutely pure and of the finest quality \* \* \* Extra Fine Olio D'oliva Soprafino Quest'olio essendo assolutamente puro non sole e raccomandato come medicinale ma anche per tutti quegli usi in cui e indicato L'olio D'oliva," were false and misleading, and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was composed wholly of olive oil and that it was olive oil produced in Italy, whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil, and it was not olive oil produced in Italy but was a mixture composed in part of tea-seed oil, not produced in Italy.

On September 28, 1937, defendant Paul B. Booras entered a plea of guilty and the court imposed a fine of \$100. Payment was suspended, and the defendant was placed on probation for a period of 1 year, said period to run concurrently with the probation imposed for conviction of conspiracy, reported in notice of judgment No. 27649. On December 14, 1937, the Cosmos Food Stores, Inc., entered a plea of guilty and a fine of \$1 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27832. Adulteration and misbranding of olive oil. U. S. v. Vincent Buonocore, Inc., Vincent Buonocore, and Michael Buonocore. Pleas of nolo contendere. Fines, \$270. (F. & D. No. 37987. Sample Nos. 61174-B, 61238-B, 61239-B, 61561-B, 61562-B, 61565-B, 61566-B, 61760-B, 70414-B.)**

This product was represented to be pure imported olive oil, whereas it consisted in part of tea-seed oil.

On July 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vincent Buonocore, Inc., New York, N. Y., and Vincent Buonocore, and Michael Buonocore, officers of the corporation, alleging shipment by said defendants on or about July 15 and November 22, 1935, and February 26 and March 4, 1936, from the State of New York into the State of Connecticut; on or about September 15, October 19, November 14 and 27, 1935, and February 26, 1936, from the State of New York into the State of New Jersey; and on or about November 30, 1935, from the State of New York into the State of Pennsylvania of quantities of olive oil which was adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: (Cans) "Tre Ancore Brand \* \* \* B Inc.;" "Figlia D'Italia Brand \* \* \* Packed for Cilento;" "L'Italiana Brand \* \* \* Packed for Sorrentino & Co., Jersey City, N. J.;" "Messina Brand \* \* \* Packed For Messina Imp. Co. Hoboken, N. J.;" "Michele Spinelli Brand \* \* \* Michele Spinelli Hartford, Conn.;" "Roma Brand \* \* \* B V Inc.;" "Aurora Brand \* \* \* Packed for Aurora Importing Co. Waterbury, Conn."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality and strength and in that tea-seed oil had been substituted in part for olive oil, which it purported to be.

The article, with the exception of the Michele Spinelli brand, was alleged to be misbranded in that the following statements and designs appearing on the various can labels, (Tre Encore brand) "Olio d'Oliva Italiano Puro," "Se Ne Garentisce L'Assoluta Purita Sotto Analisi," "Pure Imported Olive Oil," "Pure Italian Olive Oil," and "The absolute purity of the Olive Oil contained in this Tin is Guaranteed by the Packers Under Any Chemical Analysis [designs

of Italian medals and olive branches bearing olives]"; (Figlia D'Italia brand) "Olio d'Oliva," Puro Prodotto Importato Figlia d'Italia Qualita Superfina Quest' Olio d'Oliva E Garentito Assolutamente Puro Pure Olive Oil Imported Product Superfine Quality This Olive Oil is Guaranteed to be Absolutely Pure Al Merito 1893 [designs of Italian medals and olive branches bearing olives]"; (L'Italiana brand) "Olio D'Oliva Puro Prodotto Importato L'Italiana Quest' Olio D'Oliva E Garantito Assolutamente Puro Pure Olive Oil Imported Product This Olive Oil is guaranteed to be absolutely pure [design of medals and olive branches bearing olives]"; (Messina brand) "Olio D'Oliva Prodotto Italiano Quest Olio D'Oliva E Garentito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]"; (Roma brand) "Puro Olio D'Oliva Prodotto Importata Questo Olio D'Oliva E Garantito Assolutamente Puro Sotto Analisi Chimica Roma Pure Olive Oil This Olive Oil is Guaranteed to be absolutely pure under chemical analysis [design of Roman palace]"; and (Aurora brand) "Olio D'Oliva Prodotto Italiana Quest Olio D'Oliva E Garantito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]," were false and misleading and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchasers since they represented that the article was pure imported Italian olive oil; whereas it was a mixture composed in part of tea-seed oil; and in that it was offered for sale and sold under the distinctive name of another article, olive oil. The Michele Spinelli brand was alleged to be misbranded in that the statements, "Puro Olio D'Oliva Questo olio d' oliva e assolutamente puro \* \* \* Garentito sotto Qualunque Analisi Chimica," "Imported Olive Oil," "Pure Olive Oil," and "This olive oil is absolutely pure \* \* \* guaranteed under chemical analysis," borne on the can, were false and misleading since they represented that the article was imported olive oil; whereas it was a mixture composed in part of tea-seed oil.

On September 29, 1937, pleas of nolo contendere were entered and the court imposed a fine of \$5 on each of the 18 counts of the information against each of the defendants, i. e., a total of \$270.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27833. Adulteration and misbranding of olive oil. U. S. v. Cosimo Daniele.**  
Plea of guilty. Fine, \$250. (F. & D. No. 38012. Sample Nos. 61232-B, 61235-B, 61236-B, 61237-B, 61759-B, 61762-B, 61766-B, 61767-B, 62101-B, 62105-B.)

This product was represented to be pure olive oil; whereas it consisted in part of tea-seed oil.

On March 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cosimo Daniele, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act between the dates of September 7, 1935, and March 28, 1936, from the State of New York into the State of New Jersey of various lots of olive oil which was adulterated and misbranded. It was labeled in part variously: "Lido Brand [or "Three Counts Brand" or "Conte Verde Brand"] \* \* \* C. Daniele New York, N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following statements and designs borne on the can labels were false and misleading and were borne on the cans so as to deceive and mislead purchasers since they represented that the Lido brand was composed wholly of imported olive oil and that the other brands were composed wholly of olive oil packed in Italy; whereas they were not as represented but were composed in part of tea-seed oil, and the Three Counts brand and the Conte Verde brand had been packed in the United States: (Lido brand) "Imported Product The Best you can buy Lido \* \* \* Superfine First Quality Extra Olive Oil Insuperable Lido \* \* \* This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. \* \* \* Prodotto Importato L'olio migliore che voi potete comperare \* \* \* Lido Soprattutto prima qualite Olio d'Oliva Extra \* \* \* Lido quest 'olio e garantito puro all'analisi chimica. Per la

sua estrema bonta e raccomandato anche per uso medicinale Insuperabile \* \* \* Lido Prodotto Importato [design of a Venetian scene]; (Three Counts brand) "Olive Oil Virgin Extra 1 Packed in Italy \* \* \* Olio d'Oliva Vergine Extra 1 Impaccato in Italia; \* \* \* This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. Packed in Italy \* \* \* Italy \* \* \* Quest' Olio e garantito puro all'analisi chimica. Per la sua estrema bonta e raccomandato anche per uso medicinale. Impaccato in Italia \* \* \* Italy \* \* \* Packed in Italy [design of olive leaves and olives]"; (Conte Verde brand) "Pure Olive Oil Packed in Italy \* \* \* Olio di Oliva Sopraffino Garantito puro da qualsiasi analisi chimica \* \* \* Non Plus Ultra \* \* \* Pure Olive Oil. We guarantee this oil to be absolutely pure under chemical analysis and of the finest quality. Recommended for medicinal purposes \* \* \* Italy \* \* \* Non Plus Ultra \* \* \* Olio puro di Oliva garantito sotto qualunque analisi chimica, e di qualita finissima Raccomandato per uso Medicinale \* \* \* Italia \* \* \* Packed in Italy [design of olive branches and olives, Italian flags, Italian coat of arms, and olive branches]." It was alleged to be misbranded further in that it was a mixture composed in part of tea-seed oil and was offered for sale and sold under the distinctive name of another article, olive oil.

On September 23, 1937, the defendant entered a plea of guilty and on December 2, 1937, the court imposed a fine of \$250.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27834. Adulteration of poultry. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, \$100. (F. & D. No. 38683. Sample Nos. 26163-C, 26164-C.)**

Samples of poultry taken from this shipment were found to be decomposed or diseased, or otherwise unfit for food.

On September 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Litchfield Produce Co., Litchfield, Minn., alleging shipment by said company on or about December 20, 1936, from the State of Minnesota into the State of Illinois of a quantity of poultry that was adulterated. The article was labeled: "Common Poultry."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed and putrid animal substance.

On September 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27835. Misbranding of canned tomatoes. U. S. v. 1,973 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 38870. Sample No. 5347-C.)**

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces but did consist of tomatoes with puree from trimmings, and it was not labeled to indicate that it was substandard.

On December 23, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,973 cases of canned tomatoes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 10, 1936, by the Fettig Canning Corporation from Elwood, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "May-Flower Brand Tomatoes \* \* \* Distributed by Marshall Canning Co. Marshalltown, Iowa."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or large pieces but did consist of small pieces and tomatoes with puree from trimmings, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On March 18, 1937, the Fettig Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27836. Adulteration of nutmegs. U. S. v. 140 Cases of Nutmegs. Hearing on claimant's petition for release of goods. Decree of condemnation. Product released under bond and costs taxed against claimant. (F. & D. No. 39303. Sample No. 26766-C.)**

This product was found to be wormy and moldy.

On March 31, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of nutmegs at Newark, N. J., alleging that the article had been shipped on or about October 3, 1936, by B. H. Old & Co., Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Produce of Netherlands East Indies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 1, 1937, B. H. Old & Co., Inc., filed a claim and answer admitting the allegations of the libel, consenting to the entry of a decree, and petitioning release of the goods for export. On September 24, 1937, the case came on for hearing and the court handed down the following opinion:

*FORMAN, District Judge:* Libel by the government to forfeit a quantity of nutmegs which were imported by the claimant, and upon entry found by the Department of Agriculture to be adulterated in that the shipment was decomposed beyond the tolerance allowed by the Department.

Upon representations made by the claimant, the Department permitted the shipment to remain in possession of the claimant pending an opportunity to "repick" the nutmegs and for their re-examination. Later the shipment, or a large part of it, was found in the possession of another concern. When the claimant was confronted by this fact, it admitted that it had violated its understanding with the government and had transferred the nutmegs to a customer. Moreover, it was also admitted that an effort was made to induce the government representative to believe that other nutmegs in the possession of the claimant constituted the shipment in question so that the government representative would be deceived into passing the shipment on re-examination.

The claimant presents no defense to the forfeiture, but prays now that he be permitted to return these goods to the original shipper in Europe so as to avoid the loss of approximately \$3,000 (three thousand dollars) which he has been, or with which he will be charged, unless the shipment is returned. In view of the perfidy committed by the claimant, or its agent, it would seem that such a request would come with but little grace.

However, affidavits have been filed by claimant which indicate that it is a "one man" corporation. Mr. B. H. Old has been doing business under this style for many years. At the time of the original occurrence he was out of his office much of the time due to illness, and the affairs of the company were left in the hands of one Harry J. Schlichting who, though dignified with titles of Secretary and Treasury of the corporation, owned no share of stock in the corporation and was its employee. By mistake he sold the adulterated shipment, and then to cover his error, he attempted to deceive not only his employer, Mr. Old, who frequently inquired as to the result of the re-examination but also endeavored to substitute other nutmegs for the department's investigator to examine in lieu of the merchandise with which he had parted. When the alert government agent discovered the fraud, this employee confessed and told where the shipment could be found. This is the first time the claimant has been brought into court, although he has been in the spice business for over 40 years, and a spice importer for many years.

It is true that but for the vigilance of the government agent a consummate fraud would have been practiced. It is also true that the claimant, a corporation, can only act through its agent and Schlichting, even short of his doughty titles, is still the employee or agent of the claimant for whose acts it is bound to answer. If the claimant were attempting to induce the court's discretion to flow toward an order having for its purpose a re-working, renovation, or other operation on the merchandise involving another governmental examination of the property, the court would not be inclined to trust the claimant in such connection. However, it asks only to save the merchandise from actual destruction and permit its return to the original shipper in Europe. What harm can come of this? I can see none. The goods will leave the country under the eye of the department. There is the hazard that they may be returned to our shores, but then we shall expect the same careful vigilance to prevent their entry as was evidenced heretofore.

There remains one question only. How is the government to be compensated for the expense and trouble to which it has been placed by the willful deceit of the claimant's agent? The answer is equally obvious. If the claimant is to be privileged to realize on these goods it should be permitted to do so only on terms which will compensate the government for its loss aforesaid.

Therefore, let a decree for the forfeiture of the goods be entered providing, however, that the same may be reshipped out of the country under the supervision of the Department of Agriculture, or its designated representative, which supervision shall be at the cost of the claimant, on condition that the claimant also pay the sum of three hundred dollars into the Treasury of the United States in lieu of costs hereof, or else the forfeited merchandise shall be destroyed.

On September 24, 1937, a decree was entered in accordance with the opinion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27837. Adulteration of blackberry preserve. U. S. v. 24 Cases, each containing among other products, one or two cans of Blackberry Preserve. Default decree of condemnation and destruction. (F. & D. No. 39305. Sample Nos. 23974-C, 36153-C.)**

Examination showed that the blackberry preserve in this shipment was made from moldy blackberries.

On May 20, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases, each containing among other products one or two cases of blackberry preserve, at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about December 21, 1936, by Eyres Transfer & Warehouse Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The cases were labeled in part: "School Boy \* \* \* Preserves Packed for The Rogers Co." The blackberry preserve was labeled in part: "School Boy Brand Pure Blackberry Preserves Distributed by the Rogers Co., Seattle."

The blackberry preserve was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, moldy blackberries.

On July 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27838. Adulteration of raisins. U. S. v. 2,100 Boxes of Seedless Raisins. Decree of condemnation. Product released under bond conditioned that it be freed of the deleterious ingredient. (F. & D. No. 39357. Sample No. 37161-C.)**

This product was found to contain hydrocyanic acid in an amount which might have rendered it injurious to health.

On April 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,100 boxes of seedless raisins at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by the Bonner Packing Co. from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Packages) "Bonner's Seedless Raisins."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On September 28, 1937, the Bonner Packing Co., Stockton, Calif., having appeared as claimant for the product, a decree of condemnation was entered containing a provision that it might be released under bond conditioned that it should not be disposed of until freed of the deleterious substance.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27839. Adulteration of canned peas. U. S. v. 403 Cases and 402 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. Nos. 39372, 39388. Sample Nos. 32845-C, 32850-C.)**

This product was weevil-infested.

On April 15 and April 17, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 805 cases of canned peas at Hillsboro, Oreg., alleging that the article had been shipped in interstate com-

merce to Vancouver, Wash., in part on or about March 25, 1937, by the Western States Grocery Co. from Portland, Oreg., and in part on or about April 3, 1937, by the Ray-Maling Co. from Hillsboro, Oreg.; that both shipments had been returned by the consignee on or about April 5 and April 8, 1937, respectively, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Raycroft Garden Run Sweet Peas [or "Raycroft Sweet Peas"] \* \* \* Distributed by Ray-Maling Company, Inc. Hillsboro, Oregon."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 9 and September 25, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27840. Misbranding of butter. U. S. v. Commercial Creamery Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39493. Sample No. 24093-C.)**

This product was short of the declared weight.

On July 8, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commercial Creamery Co., a corporation, Spokane, Wash., alleging that on or about November 27, 1936, the defendant sold and delivered to Swift & Co. at Spokane, Wash., a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that on or about December 3, 1936, a portion of the said butter in the identical condition as when it was received, was shipped by Swift & Co. from the State of Washington into the State of Idaho; and charging that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Swift's Brookfield Butter \* \* \* 1 lb. Net Weight \* \* \* Distributed by Swift & Company \* \* \* Chicago."

It was alleged to be misbranded in that the statement "1 lb. Net Weight" was false and misleading, and was borne on the wrappers so as to deceive and mislead the purchaser since they contained less than 1 pound net weight.

On September 7, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27841. Adulteration of pecan meats. U. S. v. 8 Cartons of Pecan Halves. Default decree of condemnation and destruction. (F. & D. No. 39565. Sample No. 9579-C.)**

This product was in part decomposed and rancid.

On May 5, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of pecan halves at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 16, 1936, by E. M. Zerr & Co. from San Antonio, Tex., to San Francisco, Calif., and had been transhipped to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27842. Adulteration of raisins. U. S. v. 125 Boxes of Raisins. Default decree of condemnation and destruction. (F. & D. No. 39649. Sample No. 42020-C.)**

This product contained evidences of insect and worm infestation.

On May 24, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of raisins at Danville, Va. Subsequently an amendment to the libel was filed. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about October 23, 1936, by the Sunland Sales Cooperative Association, Fresno, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Cal Ray Three Crown Muscat Layer Raisins, Packed by the El Mar Packing Co., Fresno, Calif."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27843. Adulteration of barbecue sauce. U. S. v. 84 Cases of Maull's Barbecue Sauce. Default decree of condemnation and destruction. (F. & D. No. 39681. Sample No. 30168-C.)**

This product contained worm and insect fragments.

On June 4, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cases of barbecue sauce at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about April 15, 1937, by the L. Maull Co. from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Maull's Barbecue Sauce \* \* \* Packed by L. Maull Co. St. Louis, Mo."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 23, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27844. Adulteration of catsup. U. S. v. 24 Cases and 40 Cases of Catsup. Default decrees of condemnation and destruction. (F. & D. Nos. 39702, 39873. Sample Nos. 18715-C, 18717-C.)**

This product contained filth from insect infestation and a part also contained excessive mold.

On June 8 and June 17, 1937, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of catsup at Memphis, Tenn., and 40 cases of catsup at Dyersburg, Tenn., alleging that a portion of the article had been shipped on or about November 9, 1936, from Belleville, Ill., by the G. S. Suppiger Co., and that the remainder had been shipped by Pennel-Edenton Co., of Dyersburg, Tenn., on or about March 11, 1937, in its own truck from Kennett, Mo., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Inter-Ocean Catsup \* \* \* Packed by Collinsville Canning Co. Collinsville, Ill."

The article was alleged to be adulterated in that a portion consisted wholly or in part of a filthy and decomposed vegetable substance, and the remainder consisted wholly or in part of a filthy vegetable substance.

On September 7, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27845. Misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 39733. Sample No. 24094-C.)**

This product was short of the declared weight.

On July 8, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, Spokane, Wash., alleging shipment by said company on or about December 3, 1936, from the State of Washington into the State of Idaho of a quantity of butter that was misbranded. The article was labeled in part: (Wrapper) "Armour's Star \* \* \* Quality Cloverbloom Full Cream Butter 1 lb. Net Weight Armour Creameries \* \* \* Distributors."

It was alleged to be misbranded in that the statement "1 lb. Net Weight" was false and misleading and was borne on the wrappers so as to deceive and mislead the purchaser since they contained less than 1 pound net.

On September 7, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27846. Misbranding of laying mash. U. S. v. Kalmbach-Burkett Co., Inc. Plea of nolo contendere. Fine, \$50.** (F. & D. No. 39766. Sample No. 2084-C.)

This product contained less protein and fat and more fiber than declared.

On September 7, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kalmbach-Burkett Co., Inc., Shreveport, La., alleging shipment by said company on or about March 15, 1937, from the State of Louisiana into the State of Texas of a quantity of laying mash that was misbranded. The article was labeled in part: (Tags) "Lucky Bird Laying Mash \* \* \* Manufactured by Kalmbach-Burkett Company, Inc. Shreveport, Louisiana."

The article was alleged to be misbranded in that the statements, "Crude Protein not less than 18.00 per cent. Crude Fat not less than 5.00 per cent Crude Fiber not more than 8.00 per cent," were false and misleading, and were borne on the tag so as to deceive and mislead the purchaser since it contained less protein and fat and more fiber than declared, namely, not more than 14.82 percent of crude protein, not more than 3.4 percent of crude fat, and not less than 13.08 percent of crude fiber.

On September 30, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27847. Adulteration of canned tuna. U. S. v. 2,860 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of the unfit portion. (F. & D. Nos. 40062 to 40066, incl. Sample Nos. 41041-C, 51983-C, 51986-C, 51987-C, 51988-C, 51996-C.)**

This product was in part decomposed.

On August 12, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,860 cases of canned tuna at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by the Westgate Sea Products Co. from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "Alamo Brand Light Meat Tuna [or "Breast-O-Chicken Brand Tuna Fish"] \* \* \* Packed by Westgate Sea Products Company, San Diego, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On August 30, 1937, the Westgate Sea Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27848. Adulteration of butter. U. S. v. 76 Cases and 81 Cubes of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 40081, 40082. Sample Nos. 39483-C, 39484-C.)**

This product contained less than 80 percent of milk fat.

On July 23 and July 28, 1937, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 76 cases and 81 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, in part on or about June 22, 1937, and in part on or about June 27, 1937, by Farmers Equity Cooperative Creamery [Association] from Orleans, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 3 and August 10, 1937, Farmers Equity Cooperative Creamery Association, Orleans, Nebr., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27849. Adulteration of butter. U. S. v. 7 Cubes of Butter. Default decree of condemnation. Product released under bond.** (F. & D. No. 40078. Sample No. 25032-C.)

This product contained less than 80 percent of milk fat.

On July 12, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cubes of butter at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about June 30, 1937, by the Roseburg Creamery Co. from Roseburg, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 9, 1937, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27850. Adulteration of crab meat. U. S. v. 1 Barcel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. No. 40090. Sample No. 48210-C.)

This product was in whole or in part contaminated with filth.

On July 23, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, from Seaford, Va., having been consigned by the O. R. Mills Fisheries, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27851. Adulteration of currants. U. S. v. 9 Crates of Currants. Default decree of condemnation and destruction.** (F. & D. No. 40098. Sample No. 49345-C.)

This product was contaminated with arsenic and lead.

On July 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1937, by Walter Garland from Berrien Springs, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27852. Adulteration of currants. U. S. v. 4 Crates of Currants. Default decree of condemnation and destruction.** (F. & D. No. 40099. Sample No. 49364-C.)

This product was contaminated with arsenic and lead.

On July 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, by Chuck Miles from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27853. Adulteration of huckleberries. U. S. v. 21 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40101. Sample No. 67431-C.)**

This product was infested with maggots.

On July 28, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by James W. Brittingham from Parsonbury, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27854. Adulteration of huckleberries. U. S. v. 11 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40102. Sample No. 67433-C.)**

This product was infested with maggots.

On July 29, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1937, by John A. Jones from Georgetown, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27855. Adulteration of huckleberries. U. S. v. 31 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40103. Sample No. 67434-C.)**

This product was infested with maggots.

On July 29, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 29, 1937, by John A. Cordrey from Millsboro, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27856. Adulteration of blueberries and huckleberries. U. S. v. 20 Crates of Blueberries and 103 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 40077, 40104. Sample Nos. 67425-C, 67435-C.)**

These products were infested with maggots.

On July 24 and July 31, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 crates of blueberries and 103 crates of huckleberries at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about July 23 and July 29, 1937, respectively, by H. Marine from Rhodesdale, Md., and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1937, no claimants having appeared, judgments of condemnation were entered and the products were ordered destroyed, the crates to be returned to shipper.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27857. Adulteration of huckleberries. U. S. v. 29 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40105. Sample No. 67436-C.)**

This product was infested with maggots.

On July 31, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 29, 1937, by Charles Nutall from Sharptown, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed vegetable substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27858. Adulteration of huckleberries. U. S. v. 11 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40106. Sample No. 67444-C.)**

This product was infested with maggots.

On August 5, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 4, 1937, by O. G. Williamson from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, the crates to be returned to the shipper.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27859. Misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40128. Sample Nos. 43607-C, 43611-C.)**

This product fell below the standard for canned tomatoes since it was not normally colored, and it was not labeled to indicate that it was substandard.

On or about August 16, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 17, 1937, by Apte Bros. from Ridgeland, S. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Lord Fairfax Brand Tomatoes \* \* \* Apte Brothers Canning Company \* \* \* Main Office Miami, Fla."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 4, 1937, judgment of condemnation was entered, and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27860. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 40134. Sample No. 46541-C.)**

This product was infested with maggots.

On August 10, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1937, by R. M. Wilson from Cherryfield, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27861. Adulteration of blueberries. U. S. v. 4 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 40135. Sample No. 46545-C.)**

This product was infested with maggots.

On August 10, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1937, by Roy M. Clews from Centralia, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27862. Adulteration of butter. U. S. v. 219 Boxes of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40136. Sample No. 37686-C.)**

This product contained less than 80 percent of milk fat.

On August 5, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 219 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about July 20, 1937, by the Spring Valley Butter Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 17, 1937, June Dairy Products Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27863. Adulteration of butter. U. S. v. 12 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40137. Sample No. 39491-C.)**

This product contained less than 80 percent of milk fat.

On July 31, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of butter at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about July 24, 1937, by Swift & Co. from Coquille, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Prints) "Swift's Brookfield Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that the statement "Butter" was false and misleading and deceived the purchaser since it contained less than 80 percent of milk fat.

On August 18, 1937, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation, the decree providing that it be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27864. Adulteration of cherries. U. S. v. 11 Crates of Montmorency Cherries. Default decree of condemnation and destruction. (F. & D. No. 40138. Sample No. 49803-C.)**

This product was contaminated with arsenic and lead.

On August 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of cherries at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about July 29, 1937, by Jochem Bros. from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27865. Adulteration of whitefish. U. S. v. 42 Boxes of Whitefish. Consent decree of condemnation and destruction. (F. & D. No. 40144. Sample No. 37558-C.)**

This product was infested with parasitic worms.

On August 3, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of whitefish at Brooklyn, N. Y., alleging that the article had been shipped on or about August 1, 1937, by the Main Fish Co. from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On August 13, 1937, the sole intervenor having admitted the allegations of the libel and having requested immediate destruction of the product, judgment of condemnation was entered and it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27866. Adulteration and misbranding of Cheddar cheese. U. S. v. 152 Cartons of Cheddar Cheese. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. Nos. 40147, 40148. Sample Nos. 9606-C, 9607-C.)**

This product was deficient in fat, and a portion contained excessive moisture.

On August 23, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 152 cartons of Cheddar cheese at Los Angeles, Calif., alleging that the article had been transported in interstate commerce in part on or about May 27, and in part on or about July 13, 1937, via truck of the Dickey-Davis Co. from Phoenix, Ariz., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (A portion) "Full Cream Whole Milk Cheddar Cheese"; (remainder) "Whole Milk Cheddar Cheese." All was labeled further: "Plains Co-Op., Inc., Plainview, Texas."

It was alleged to be adulterated in that a substance deficient in fat, a part of which contained excessive moisture, had been substituted wholly or in part for full-cream whole-milk Cheddar cheese or whole-milk Cheddar cheese, which it purported to be.

The article was alleged to be misbranded in that the statements "Full Cream" and "Whole Milk" with respect to a portion and the statement "Whole Milk" with respect to the remainder were false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in fat, a part of which contained excessive moisture.

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and since the product was fit for human consumption, it was ordered delivered to charitable organizations.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27867. Misbranding of cocktail mixer. U. S. v. 35 Jugs of Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 40152. Sample No. 37547-C.)**

This product was labeled to indicate that it was a fruitade base, whereas it consisted of an artificially colored citric-acid solution flavored with citrus oil and it contained little or no lemon juice.

On August 18, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 gallon jugs of cocktail mixer at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Tavern Fruit Juice Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cardo Brand Cocktail Mixer Lemon Flavored Contains Fruit Juice, Fruit Acid, Flavor \* \* \* Bottled exclusively for J. Cardillo & Sons Paterson, N. J."

It was alleged to be misbranded in that the name "Cocktail Mixer Lemon" prominently displayed and the statement "Contains Fruit Juice" were false and misleading and tended to deceive and mislead the purchaser when applied to an imitation lemon juice containing little or no lemon or other fruit juice; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, lemon juice.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27868. Misbranding of canned tomatoes. U. S. v. 98 Cases of Tomatoes. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40160. Sample No. 43677-C.)**

This product fell below the standard established by this Department because it was not normally colored, and it was not labeled to indicate that it was substandard.

On or about August 21, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of tomatoes at Savannah, Ga., alleging that they had been shipped in interstate commerce on or about July 16, 1937, by the Polk Cannery from Beaufort, S. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Island Brand Tomatoes \* \* \* The Polk Cannery Beaufort, S. C."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food in that it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On September 30, 1937, N. M. Polk, trading as the Polk Cannery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27869. Misbranding of butter. U. S. v. 40 Cases of Butter. Consent decree of condemnation. Product released under bond to be repacked. (F. & D. No. 40179. Sample No. 39401-C.)**

This product was short of the declared weight.

On July 29, 1937, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of butter at Honolulu, Hawaii, consigned by Golden State Co., Ltd., alleging that the article had been shipped from San Francisco, Calif., on or about July 22, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cartons) "Net Weight 1 lb. Jersey Farm Dairy Company \* \* \* Butter Distributed by Argonaut Milk Co. San Francisco."

It was alleged to be misbranded in that the statement "Net Weight 1 lb." was false and misleading and tended to deceive and mislead the purchaser since the cartons contained less than 1 pound; and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1937, C. Q. Yee Hop & Co., Ltd., Honolulu, Hawaii, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked to the declared weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27870. Adulteration of butter. U. S. v. 52 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40180. Sample No. 39501-C.)**

This product contained less than 80 percent of milk fat.

On August 11, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 25, 1937, by Miles Friedman, Inc., from Slater, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On or about August 19, 1937, Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27871. Adulteration and misbranding of butter. U. S. v. 14 Cases of Armour's Cloverbloom Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40181. Sample No. 53404-C.)**

This product contained less than 80 percent of milk fat.

On August 11, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of butter at Monroe, La., alleging that the article had been shipped in interstate commerce on or about July 15 and July 22, 1937, by the A. T. Crouch Creamery Co. from Bloomer, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Armour's Cloverbloom Butter \* \* \* Armour Creameries Chicago \* \* \* Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On August 25, 1937, the A. T. Crouch Creamery Co., Charleston, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27872. Adulteration and misbranding of fruit drinks and fruit sirups. U. S. v. 67 Bottles of Orange Fruit Drink, et al. Default decree of condemnation and destruction. (F. & D. No. 40182. Sample Nos. 38513-C to 38520-C, incl.)**

These products were labeled to convey the impression that they were fruitade bases, whereas they were mixtures of acid solutions, gums, artificial color, and artificial flavor or citrus-oil flavor containing little or no fruit juices.

On August 25, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 bottles of fruit drinks and fruit sirups at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about July 30, 1937, by the Everbest Products Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The orange, lemon, and pineapple types were labeled in part: "Torry's True Fruit Home Party Drink Orange [or "Lemon", or "Pineapple"] \* \* \* Cont. Fruit Acid—U. S. certified food color."; The remaining products were labeled in part: "Torry's Home Party Drink Pure Fruit Raspberry [or "Strawberry," "Lime," "Cherry," or "Grape"] Flavored Syrup"; (raspberry type) "Food Color Added"; (strawberry, lime, cherry,

and grape types) "Food Color and fruit acid added." All were labeled further: "Everbest Products Co. N. Y."

The articles were alleged to be adulterated in that mixtures of acid solutions, gums, artificial color, and artificial or citrus-oil flavor containing little or no fruit juices, had been substituted for the true fruit flavors which they purported to be; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "True Fruit \* \* \* Orange [or "Lemon" or "Pineapple"]" and "Pure Fruit Raspberry [or "Strawberry," "Lime," "Cherry," or "Grape"] Flavored Syrup," were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of acid solutions, gums, artificial color, and artificial or citrus-oil flavors containing little or no fruit juices; and in that they were offered for sale under the distinctive names of other articles.

On September 28, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27873. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40184. Sample No. 20962-C.)**

This product contained less than 80 percent of milk fat.

On August 9, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 50 cases of butter at Providence, R. I., consigned about July 31, 1937, alleging that it had been shipped in interstate commerce by the Bridge-man-Russell Co. from Duluth, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Creamery Butter Packed Expressly for the Red & White Stores, New Bedford, Massachusetts."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat and which it purported to be.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, butter.

On August 19, 1937, Cooper & Sisson, Providence, R. I., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27874. Adulteration of butter. U. S. v. 200 Tubs and 300 Cartons of Butter. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 40186, 40235. Sample Nos. 34070-C, 34071-C.)**

This product contained less than 80 percent of milk fat.

On or about August 11, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 tubs and 300 cartons of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about July 22, and in part on or about July 24, 1937, by Spring Valley Butter, Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On September 10, 1937, the cases having been consolidated, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27875. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40187. Sample No. 38274-C.)**

This product contained less than 80 percent of milk fat.

On August 14, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Fauquier Creamery from Marshall, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On August 18, 1937, Fauquier Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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Booras, P. B-----	27831	Palm Valley Canning Co-----	27779
Brook, Adolphus-----	27803, 27804	Polk Cannery-----	27868
Buonocore, Michael-----	27832	Pomona Products Co-----	27813
Buonocore, Vincent-----	27832	Rionta Products Co-----	27779
Buonocore, Vincent, Inc-----	27832	Tuna. See Fish and shellfish.	
Capone, A. J-----	27753, 27754	Walnut meats. See Nuts.	
Capone, A. J., Co, Inc-----	27754	Whitefish. See Fish and shellfish.	
Clover Farm Stores-----	27753		
Cora Products Co-----	27753, 27754		
Cosmos Food, Inc-----	27831		
Cosmos Food Stores, Inc-----	27831		

<sup>1</sup> Contains an opinion of the court.



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U. S. Department of Agriculture

N. J., F. D. 27876-27925

Issued April 1938

## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27876-27925

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 22, 1938]

**27876. Misbranding of dog soap. U. S. v. Solon Palmer. Plea of nolo contendere. Fine, \$40.** (F. & D. No. 37037. Sample No. 50779-B.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On August 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Solon Palmer, a corporation, New York, N. Y., alleging shipment by said company on or about May 21, 1935, from the State of New York into the State of New Jersey of a quantity of dog soap which was misbranded.

Analysis showed that the article consisted of soap, water, glycerin, phenols, sulphur, and very small amounts of siliceous material and iodoform.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for all animal skin diseases, saddle galls, scratches, and sores of all kinds; and effective to make dogs healthy.

The information charged that the article was also adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1577 published under that act.

On September 13, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$40 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27877. Misbranding of Eggstractor Poultry Builder. U. S. v. Henry O. Stephens (Stephens Manufacturing Co.). Plea of guilty. Fine, \$100.** (F. & D. No. 37928. Sample No. 59076-B.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On April 7, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry O. Stephens, trading as the Stephens Manufacturing Co., Fort Worth, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 5, 1935, from the State of Texas into the State of Kansas of a quantity of Eggstractor Poultry Builder that was misbranded. The article was labeled in part: "Eggstractor Poultry Builder \* \* \* Stephens Manufacturing Company, Fort Worth, Texas; Distributor."

Analysis showed that the article consisted essentially of a solid portion, chiefly sulphur and iron sulphide; and a liquid portion, chiefly an alkaline solution of calcium sulphide, and a small proportion of fish oil.

It was alleged to be misbranded in that the statements, designs, and devices regarding its therapeutic and curative effects, borne on the labels, falsely and fraudulently represented that it was effective as a tonic, appetizer, and condi-

tioner for the growth and life of turkeys, chickens, sheep, hogs, and dogs; effective to increase production; and effective as a cure for roup in poultry, and as a cure for worms in poultry and dogs.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1578 published under that act. On November 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$100 on the count charging violation of the Food and Drugs Act, and \$200 on the counts under the other act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27878. Adulteration and misbranding of Odo-Go. U. S. v. Robert G. Branham and William F. Ashby (National Products Co.). Pleas of guilty. Fines, \$250. (F. & D. No. 39476. Sample Nos. 4638-C, 4640-C.)**

The labeling of this product bore false representations regarding its disinfectant, antiseptic, and germicidal properties; and false and fraudulent claims regarding its curative or therapeutic effects.

On October 19, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert G. Branham and William F. Ashby, members of a firm trading as the National Products Co., Fort Worth, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 19 and 22, 1936, from the State of Texas into the State of Missouri of a number of jars and sample packages of Odo-Go that was adulterated and misbranded. The article was labeled: "Odo-Go \* \* \* National Products Company, Fort Worth, Texas."

Analysis showed that it consisted essentially of sodium carbonate with a small proportion of potassium permanganate. Samples tested at four times the concentration recommended failed to kill *Staphylococcus aureus* in 15 minutes at 37° C.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be a disinfectant, antiseptic, and germicide when used as directed; whereas it was not a disinfectant, antiseptic, nor germicide when used as directed.

It was alleged to be misbranded in that the statements, (jar) "Disinfectant, antiseptic, germicide," "Thoroughly dissolve One level teaspoonful of Odo-Go in One gallon of water, more or less in proportion," and "Odo-Go is a \* \* \* germ killer antiseptic," with respect to the product in the jars; and (envelope) "Disinfectant, germicide antiseptic. Thoroughly dissolve One level teaspoonful of Odo-Go in One Gallon of water. \* \* \* Odo-Go is a \* \* \* germ killer, antiseptic," and (circular) "Disinfectant, Germicide, Antiseptic. Diseases and germs are carried in many ways \* \* \* For personal sanitation, use Odo-Go in the rinse and bath waters to kill germs \* \* \* For a germicide, antiseptic \* \* \* mouth wash and throat gargle, use just a small pinch of the Odo-Go powder in a glass of warm or cold water \* \* \* For each woman's personal cleanliness, it is necessary that she have a non-poisonous yet effective and non-injurious antiseptic that will kill germs \* \* \* Odo-Go has all of these qualities and is ideal for hygienic purposes. \* \* \* This product is composed of the best germicide, antiseptic, \* \* \* chemicals known to science, \* \* \* and is a scientific germ killer, antiseptic \* \* \* safe to use for personal \* \* \* purposes," with respect to the samples, were false and misleading in that they represented that the article was a disinfectant, antiseptic, and germicide when used as directed and would kill germs; whereas it was not a disinfectant, antiseptic, nor germicide, when used as directed and would not kill germs.

It was alleged to be misbranded further in that the labeling of the jars bore false and fraudulent representations regarding its effectiveness as a treatment, remedy, and cure for skin eruptions, dandruff, pimples, scalp disorders, sore throat, ulcers and sores, and its effectiveness to help heal and eliminate soreness; and the labeling of the samples bore false and fraudulent representations regarding its effectiveness as a treatment, remedy, and cure for sore throat, ulcerated mouth, sore gums, scalp disorders, pimples, dandruff, and sore feet; and for mange and sore places on livestock and pets. The information charged that the samples were also misbranded, in violation of the Insecticide Act of 1910 reported in notice of judgment no. 1587 published under that act.

On November 5, 1937, the defendants entered pleas of guilty and the court imposed a fine of \$50 against Robert G. Branham and a fine of \$200 against William F. Ashby for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27879. Adulteration of phenolphthalein tablets and tincture of belladonna leaves.**  
**U. S. v. Meyer Bros. Drug Co.** Plea of guilty. Fine, \$400. (F. & D. No. 39486. Sample Nos. 4685-C, 4695-C, 30226-C.)

This case involved (1) tablets which contained less phenolphthalein than declared; and (2) tincture of belladonna leaves which yielded alkaloids of belladonna leaf in excess of the amount provided by the United States Pharmacopoeia.

On May 17, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company on or about August 19, 1936, from the State of Missouri into the State of Kansas of quantities of drugs that were adulterated. The articles were labeled: "Tablets Phenolphthalein U. S. P. 1 Grain"; and "Tincture Belladonna Leaves U. S. P. X." Both were labeled further: "Meyer Brothers Drug Co. Saint Louis, New Orleans."

The phenolphthalein tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 1 grain of phenolphthalein; whereas each of a portion of said tablets contained less than 1 grain, namely, not more than 0.97 grain, and the remainder, not more than 0.7 grain of phenolphthalein. The tincture of belladonna leaves was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it yielded more than 0.033 gram, namely, not less than 0.04 gram, of the alkaloids of belladonna leaf per 100 cubic centimeters; whereas the pharmacopoeia provided that tincture of belladonna should yield from each 100 cubic centimeters not more than 0.033 gram of the alkaloids of belladonna leaf; and the standard of strength, quality, and purity of the article was not declared on the container.

On September 17, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$400.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27880. Misbranding of Tonico Prieto.** U. S. v. Antonio Prieto and Emelia B. DePrieto (Indian Laboratory Co.). Plea of guilty. Fines, \$100. (F. & D. No. 39748. Sample Nos. 10181-C, 38808-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. The labeling also bore false and misleading representation regarding its composition.

On July 31, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Antonio Prieto and Emelia B. DePrieto, copartners, trading as the Indian Laboratory Co., Laredo, Tex., alleging shipment by said defendants on or about March 23 and October 24, 1936, from the State of Texas into the State of California of quantities of Tonico Prieto that was misbranded. The article was labeled in part: "Tonico Prieto \* \* \* Made For Indian Laboratory Co. Laredo, Texas."

Analysis showed that the article consisted essentially of water, glycerin, alcohol, potassium iodide (9 grains per fluid ounce), sodium benzoate, and extracts of plant drugs including cinchona.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton and in circulars shipped with the article, falsely and fraudulently represented that it was effective as a tonic, as a general alterative tonic, aperitive, and nerve sedative; effective as favoring the "changes of nutrition" and the elimination of uric acid in the urine; effective to promote metabolism and to eliminate uric acid in the urine, to enrich the blood with the adequate amount of hemoglobin, to restore the appetite and awaken the functions of the organic life in the body; effective as a tonic for the bronchial system and lungs, and to cure coughs and chronic coughs; effective as a preventive of insomnia, to strike at the very root of disease, and to rejuvenate; effective as a treatment, remedy, and cure for anemia, boils, pimples, skin diseases, and light ulcers; and effective as a tonic for poor blood; effective to enrich the blood, to increase the blood corpuscles, to restore the appetite, and to activate all the functions; effective to give new life and fresh enthusiasm, to act upon the respiratory system, to free the bronchi of congestion, and to cure stubborn and chronic coughs; effective as a great strengthener; effective to cicatrize pimples, herpes, light sores, and other cutaneous diseases caused by debility

of the system; effective as a remedy for poor blood, anemia, backache, weariness of the legs, fatigue of the heart, and cardiac asthenia; and effective to act on infections of the skin.

It was alleged to be misbranded further in that the statements in the labeling (circulars) "Walnut Tonic," "Tonic of Walnut," and "The genuine [or "real"] extract of black walnut," (carton) "Tonic of Walnut Mexican Herbs, Roots and Medicinal Extracts," "Made from Mexican Herbs, Roots and Walnut-Bark and Medicinal Extracts," and (bottle) "Composed of Walnut, Mexican Herbs and Roots and Medicinal Extracts," were false and misleading since it was not a tonic of walnut, and was not made from the real extract of black walnut, Mexican herbs and roots, and medicinal extracts.

On September 21, 1937, the defendants entered pleas of guilty and the court imposed fines totaling \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27881. Misbranding of McKeon's Liquid Sulph-O. U. S. v. Sulphur Products Co., Inc., and Wilfred S. McKeon. Pleas of guilty. Fines, \$20. (F. & D. No. 39815. Sample No. 42040-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On October 21, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sulphur Products Co., Inc., Greensburg, Pa., and Wilfred S. McKeon, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 13, 1937, from the State of Pennsylvania into the State of Virginia of a quantity of McKeon's Liquid Sulph-O that was misbranded. The article was labeled in part: "McKeon's Liquid Sulph-O \* \* \* Sulphur Products Co., Inc., Greensburg, Pa."

Analysis showed that it consisted essentially of calcium polysulphide, calcium thiosulphate, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic or curative effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a preventive of and as a treatment, remedy, and cure for ailments and diseases of chickens, turkeys, ducks, pigeons, and rabbits.

On October 26, 1937, Wilfred S. McKeon entered a plea of guilty, and the court imposed a fine of \$10 and costs. On October 28, 1937, the corporation entered a plea of guilty and on October 29, 1937, was sentenced to pay a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27882. Adulteration and misbranding of plain pyoktanin catgut. U. S. v. 70 Boxes of Plain Pyoktanin Catgut. Default decree of condemnation and destruction. (F. & D. No. 39884. Sample No. 31120-C.)**

This product was sold under a name indicating that it was sterile; however, 7 of 24 sutures examined were contaminated with viable gram-positive bacilli.

On June 22, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 boxes of plain pyoktanin catgut at Longmont, Colo., consigned by the laboratory of the Ramsey County Medical Society, alleging that the article had been shipped in interstate commerce on or about April 27, 1937, from St. Paul, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, since it was not "Plain \* \* \* Catgut" but was catgut contaminated with viable gram-positive bacilli.

It was alleged to be misbranded in that the statement on the label, "Plain Pyoktanin Catgut," was false and misleading when applied to catgut which was contaminated; and in that it was sold under the name of another article, namely, "Plain Pyoktanin Catgut," since plain pyoktanin catgut is a sterile article.

On September 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27883. Misbranding of Corona Wool Fat Compound. U. S. v. 65 Cans of Corona Wool Fat Compound. Default decree of condemnation and destruction.**  
(F. & D. No. 39904. Sample No. 49203-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On June 25, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cans of Corona Wool Fat Compound at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 27, 1937, by the Corona Manufacturing Co. from Kenton, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of hydrous wool fat containing a small amount of sodium chloride perfumed with methyl salicylate.

It was alleged to be misbranded in that the following statements appearing on the labeling, regarding its curative or therapeutic effects were false and fraudulent: "The healing ointment of a hundred uses" For cuts, wounds, sores, \* \* \* boils, \* \* \* etc. on man or beast \* \* \* More healing \* \* \* reduces inflammation, relieves pain, absorbs poisons. \* \* \* Sores \* \* \* boils, cuts, \* \* \* piles, wounds of any kind \* \* \* it should quickly allay the pain \* \* \* Heal the wound \* \* \* For Grease heel, scratches, mud fever, thrush, etc., \* \* \* barb wire cuts, \* \* \* Inflamed udder: to allay inflammation of the udder \* \* \* For stubborn cases of barb wire cuts, grease heel, hard and contracted feet, seemingly incurable running sores on neck and shoulder, etc."

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27884. Misbranding of elder flower eye lotion. U. S. v. 21 Bottles of Elder Flower Eye Lotion. Default decree of condemnation and destruction.**  
(F. & D. No. 39932. Sample No. 37166-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims. It also contained statements which were false and misleading in view of the composition of the product.

On July 1, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of elder flower eye lotion at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about March 2, 1937, by Geo. B. Evans Laboratories, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of a dilute solution of boric acid and sodium chloride with a small amount of alcohol and lesser quantities of plant extractives including camphor, peppermint, cherry, laurel, and elder flowers.

It was alleged to be misbranded in that the name "Elder Flower Eye Lotion (Lotio Sambuci)" was false and misleading since the essential ingredients were not obtained from extract of elder flowers; the statement "Acid Boric 30 grs. Sodium Chloride 30 grs." was false and misleading since it contained considerably less than 30 grains of boric acid and 30 grains of sodium chloride; the statement on the bottle label, "Made from Elder Flower Peppermint Witch Hazel Cherry Laurel Camphor," was false and misleading since it was not complete and did not take into consideration the presence of boric acid and sodium chloride. It was alleged to be misbranded further in that the statement \* \* \* for affections of the eyes and eyelids," borne on the carton, regarding its curative or therapeutic effects was false and fraudulent.

On September 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27885. Misbranding of Phillips' Croup and Pneumonia Salve. U. S. v. 141 Jars of Phillips' Croup and Pneumonia Salve. Default decree of condemnation and destruction.**  
(F. & D. No. 39939. Sample No. 31742-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 2, 1937, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 jars of Phillips' Croup

and Pneumonia Salve at Whitesburg, Ky., consigned on or about April 10, 1937, alleging that the article had been shipped in interstate commerce by the Phillips Products Co. from Watertown, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of oil of eucalyptus and oil of pine incorporated in petrolatum.

It was alleged to be misbranded in that the following statements borne on the jar label, regarding its curative or therapeutic effects, were false and fraudulent: "Croup and Pneumonia Salve Is recommended for the local treatment of irritation of the nasal passages \* \* \* and chest colds \* \* \* For chest colds wring a towel out in hot water and place on chest. This opens the pores to allow C. & P. Salve to penetrate deeply. \* \* \* will \* \* \* vaporize and enter \* \* \* chest and lungs, carrying its healing qualities to the seat of irritation and congestion. \* \* \* For sore throat massage thoroughly \* \* \* If irritation is deep rub in C. & P. Salve on chest. For croup apply C. & P. Salve to throat and chest for patient to breathe the healing vapors."

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27886. Misbranding of Skoot. U. S. v. 66 Bottles and 42 Bottles of Skoot. Default decree of condemnation and destruction. (F. & D. Nos. 39934, 39940. Samples Nos. 31543-C, 31547-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 13, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 108 bottles of Skoot at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about April 30, June 10, and June 14, 1937, by the Skoot Co. from Hamilton, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of methyl salicylate, menthol, water, and a gum.

It was alleged to be misbranded in that the following statements on the bottle and carton labels, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle) "Beneficial in \* \* \* sore throat, headache, toothache, stiffness, soreness, and pains"; (carton) "For inflammation, congestion, soreness, swelling, aches, pains \* \* \* sore throat and tonsilitis \* \* \* Croup—rub child's chest, throat and back with Skoot. Headache—\* \* \* brings comfort. Toothache—moisten piece of cotton with Skoot and place around tooth. Also rub Skoot on face over affected part. Stiff neck \* \* \* apply Skoot where pain is felt. Rheumatic pain \* \* \* Lumbago pain—In severe cases \* \* \* Pleurisy pain—Apply Skoot where needed \* \* \* Sprains—Rub aching arms, shoulders, back and legs with Skoot. Aching feet \* \* \* swollen parts should have frequent applications."

On September 27, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27887. Misbranding of Cas-Tro-Ma. U. S. v. 213 Bottles of Cas-Tro-Ma. Default decree of condemnation and destruction. (F. & D. No. 39954. Sample No. 31743-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 8, 1937, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of Cas-Tro-Ma at Whitesburg, Ky., consigned on January 11, 1937, alleging that the article had been shipped in interstate commerce by the Dixie Medicine Co. from McMinnville, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, glycerin, sodium salicylate, and extracts of laxative plant drugs.

It was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle) "Cas-Tro-Ma \* \* \* Tonic \* \* \* for: \* \* \* biliousness or over-eating"; (carton) "Cas-Tro-Ma \* \* \* Tonic \* \* \* for: \* \* \*

biliousness"; (circular) "Thousands Are Dying Daily Directly or Indirectly from Stomach Troubles Many could be saved. Here is how If you have indigestion, Acid, \* \* \* sick headache \* \* \* cramps, colic \* \* \* or if your foods hurt you, get a bottle of Cas-Tro Ma \* \* \* for quick relief—then if you have chronic stomach trouble or suffer regularly with any of the above ailments take Cas-Tro-Ma as a tonic. Biliousness Relieved in twenty-four to thirty-six hours by taking 1 teaspoonful of Cas-Tro-Ma in  $\frac{1}{4}$  glass hot water. Repeat in two hours then follow in three hours with half teaspoonful. Repeat every three hours until bowels act freely. Cas-Tro-Ma cleans the liver, and as a tonic purifies the blood, helping reduce high blood pressure. It is also a valuable treatment for anemic children. Rheumatism and many other serious ailments can be traced to the stomach. If it doesn't function properly, health is impaired. Cas-Tro-Ma does this by killing and removing poison waste matter from the stomach and bowels and supplying the necessary gastric juices which enables the system to obtain the benefit from your food which nature intended, leaving the stomach clean and sweet."

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27888. Misbranding of Colac Pile Pills. U. S. v. 141 Bottles of Colac Pile Pills. Default decree of condemnation and destruction. (F. & D. No. 39959. Sample No. 46440-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 13, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 bottles of Colac Pile Pills at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 7, 1937, by Vasco Products, Inc., from Brentwood, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Colac Chemical Co. Inc., Formerly Glens Falls, N. Y., Brentwood, Md., Sole Proprietors."

Analysis showed that the article consisted of tablets containing extracts of plant drugs, a tarlike substance (probably juniper tar), magnesium oxide, and sugar, coated with iron oxide, chocolate, and sugar.

It was alleged to be misbranded in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent; (Bottle and shipping carton) "Colac Pile Pills"; (bottle) "Highly recommended for all forms of piles of the rectum. \* \* \* Swallow whole two pills three times daily before or after meals, until all symptoms have disappeared."

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27889. Misbranding of Geo. W. Carpenter's Specific. U. S. v. 18 Packages of Geo. W. Carpenter's Specific. Default decree of condemnation and destruction. (F. & D. No. 39968. Sample No. 49023-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 14, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 packages of Geo. W. Carpenter's Specific at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 24, 1937, by Kewley Bros. from Battle Creek, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Geo. W. Carpenter's Specific \* \* \* Manufactured by Kewley Bros. Battle Creek, Mich."

Analysis showed that it consisted essentially of iron sulphate, potassium nitrate, sulphur, rosin, and plant material including ginger and elecampane.

It was alleged to be misbranded in that the following statements borne on the wrapper, regarding its curative or therapeutic effects, were false and fraudulent: "Specific for scratches, (legs should not be touched outwardly.) For stocked or swollen legs. For water farcy. For stocked legs after distemper. For inflamed and swollen patches on the skin, humor of the skin, rough coat, etc., and gargety and bloody milk in the cow. \* \* \* if the case is not improving give every night \* \* \* For distemper—Give every night in warm mash. Same for coughs. The cure effected by this powder is produced by working on the blood,

liver, kidneys and skin. \* \* \* For rough coat or small lumps in the hair—Give every night. \* \* \* Horse covered with small lumps on skin, one form of water farcy; cured by two doses. \* \* \* Horse left by distemper with legs badly swollen, clear to body. Cured by Carpenter's Specific at two doses. \* \* \* Mare in foal, legs badly swollen. Cured by giving the Carpenter Powder, and colt all right. \* \* \* Mare troubled with grease legs of over one year's standing. Cured by one package of Carpenter's Specific."

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27890. Misbranding of Flame Liniment. U. S. v. Bleecker-Foster, Inc. Plea of guilty. Fine, \$5. (F. & D. No. 39772. Sample No. 19897-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On November 2, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bleecker-Foster, Inc., St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 22, 1936, from the State of Minnesota into the State of Iowa of a quantity of Flame Liniment that was misbranded. The article was labeled in part: "G. F. Foster's Worlds Famous Flame \* \* \* Red Hot Wonder Liniment \* \* \* G. F. Foster Products Co. St. Paul, Minn."

Analysis showed that the article consisted essentially of a petroleum oil containing small amounts of volatile oils including oil of mustard, methyl salicylate, and oil of cassia, colored with a red dye.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle label, falsely and fraudulently represented that it was effective to kill pain; and effective for relief of pains from rheumatism, stiff neck, lame back, and aching joints.

On November 2, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27891. Misbranding of fox vermicide. U. S. v. One 100-Pound Drum of Fox Vermicide. Default decree of condemnation and destruction. (F. & D. No. 40006. Sample No. 19919-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On July 22, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 100-pound drum of fox vermicide at Madison, Wis., alleging that the article had been shipped in interstate commerce on or about October 2, 1936, by Scientific Foods, Inc., from Perry, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material including American wormseed, sulphur, calcium carbonate, iron oxide, salt, and a small amount of silica.

It was alleged to be misbranded in that the drum label and a circular shipped with it contained false and fraudulent representatives regarding its effectiveness in the treatment of worms in foxes.

On September 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27892. Misbranding of Rel-Ka-Sol. U. S. v. 36, 71, and 70 Packages of Rel-Ka-Sol. Default decree of condemnation and destruction. (F. & D. No. 40007. Sample No. 67327-C.)**

The label of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 22, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 12-ounce, 6-ounce, and 1½-ounce packages of Rel-Ka-Sol at Seaside Heights, N. J., alleging that the article had been shipped in interstate commerce on or about July 3, 1937, by the Rel-Ka-Sol Chemical Co. from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of water, alcohol, borax, and a small quantity of phenol.

The article was alleged to be misbranded in that the carton, bottle label, and circular enclosed in the carton contained false and fraudulent representations regarding its effectiveness in the treatment of cuts, burns, scratches, and blisters; bites of certain insects, abscesses, boils, tonsillitis, sore throat, sore and infected gums, abscessed teeth, mumps, ear discharge, scalp infections and all diseases of the scalp, athlete's foot, nasal infections, abscess or sty of the eye; and its effectiveness as a treatment for septic poisoning and infection, and as a preventive of sun poisoning and sunburn.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27893. Misbranding of aspirin tablets. U. S. v. 120 Bottles of Aspirin Tablets. Default decree of condemnation and destruction. (F. & D. No. 40009. Sample No. 67328-C.)**

The label of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 23, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bottles of aspirin tablets at Toms River, N. J., alleging that the article had been shipped in interstate commerce on or about June 23, 1937, by the Merit Laboratories Co. from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetylsalicylic acid (aspirin, 5 grains per tablet).

It was alleged to be misbranded in that the statement on the bottle label, "Recommended for \* \* \* Grippe," regarding its curative or therapeutic effects, was false and fraudulent.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27894. Misbranding of Q. E. D. Mineral Water. U. S. v. 24 Bottles of Q. E. D. Mineral Water. Default decree of condemnation and destruction. (F. & D. No. 40013. Sample No. 45765-C.)**

The label of this product represented that it was a mineral water and that it was a new discovery; whereas it was not a mineral water and was not a new discovery. Its label also bore false and fraudulent curative or therapeutic claims.

On July 26, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gallon bottles of Q. E. D. Mineral Water at La Crosse, Wis., alleging that the article had been shipped in interstate commerce on or about July 12, 1937, by John W. Shaffer & Co. from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Q. E. D. Mineral Water Co., Shakopee, Minn. John W. Shaffer & Co.-National Distributors Minneapolis, Minnesota."

Analysis showed that the article consisted essentially of water containing sulphur dioxide.

It was alleged to be misbranded in that the statements on the label, "Mineral Water Synthetic," "Q. E. D. Mineral Water Co.," and "A New Discovery," were false and misleading since it was not a mineral water, it was not a mineral water synthetic, and it was not a new discovery since aqueous solutions of sulphur dioxide have been known for centuries. It was alleged to be misbranded further in that the following statements on the bottle label, regarding its curative or therapeutic effects, were false and fraudulent: "External: Use on open wounds, cuts, bruises and burns by saturating gauze or cotton and apply freely. Spray: Use an atomizer of glass or rubber and spray nose and throat to aid the elimination of colds and catarrh. May also be used as a gargle for sore throat."

On September 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27895. Misbranding of Pituipost ampuls. U. S. v. 66 and 170 "Ampuls of Pituipost \* \* \* Obstetrical." Default decree of condemnation and destruction.** (F. & D. Nos. 40014, 40221. Sample Nos. 9602-C, 47752-C.)

This product was labeled to convey the impression that it was pituitary extract obstetrical. However, it had a potency much lower than the requirement of the National Formulary for such product.

On or about July 23 and September 7, 1937, the United States attorneys for the Southern District of California and the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 66 ampuls of Pituipost at Los Angeles, Calif., and 170 ampuls of the same product at El Paso, Tex., alleging that the article had been shipped in interstate commerce in part on or about June 12, 1937, and in part on or about June 22, 1937, by the Intra Products Co. from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the labels, "Pituipost \* \* \* Obstetrical," was false and misleading since it conveyed the impression that the article consisted of ampuls of pituitary extract obstetrical, an article defined and described in the National Formulary; whereas it was not as represented since one lot possessed a potency not exceeding one-third the average requirement of the National Formulary for ampuls of pituitary extract obstetrical, and the other lot possessed a potency not exceeding one-half of the average requirement of that authority.

On September 1 and November 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27896. Adulteration and misbranding of Glover's Imperial Laxative Pills for Dogs and Cats. U. S. v. 37 Dozen Packages of Glover's Imperial Laxative Pills. Default decree of condemnation and destruction.** (F. & D. No. 40034. Sample No. 37581-C.)

This product contained materially less calomel than declared on the label.

On August 3, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 dozen packages of the above-named product at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 19, 1937, from Toms River, N. J., by H. Clay Glover Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Calomel 75%"; whereas it contained only 4.8 percent of calomel.

It was alleged to be misbranded in that the statement "Calomel 75%," borne on the carton and can, was false and misleading since the article did not contain 75 percent of calomel but did contain a much less amount.

On September 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27897. Adulteration and misbranding of Deane's Gauze. U. S. v. 15 Cartons of Deane's Gauze. Default decree of condemnation and destruction.** (F. & D. No. 40040. Sample No. 38088-C.)

This product was labeled "Gauze Sterilized," but in fact was contaminated with viable micro-organisms.

On August 5, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cartons of Deane's Gauze at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 2, 1937, by the Deane Plaster Co., from Yonkers, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Gauze Sterilized," since it was not sterile but was contaminated.

It was alleged to be misbranded in that the statement on the label, "Gauze Sterilized," was false and misleading when applied to an article that was not sterile.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27898. Misbranding of Anbesol. U. S. v. 54 Bottles of Anbesol. Default decree of condemnation and destruction.** (F. & D. No. 40120. Sample No. 38099-C.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects. The label also bore representations which were false and misleading in view of the composition of the product.

On August 17, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bottles of Anbesol at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1937, by the Anbesol Co. from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The articles was labeled in part: "Anbesol \* \* \* An Effective Antiseptic—Anesthetic."

Analysis showed that it consisted essentially of alcohol, glycerin, water, benzocaine, menthol, camphor, and small quantities of a phenolic substance and free and combined iodine.

It was alleged to be misbranded in that the following statements on the label were false and misleading in that they were untrue: (Carton and bottle label) "Non-Toxic \* \* \* Non-Irritant"; (circular) "\* \* \* harmless \* \* \* freedom from toxicity \* \* \* non-toxic, non-irritating, \* \* \* Unlike other antiseptics, Anbesol retains its antiseptic-anesthetic activities indefinitely."

It was alleged to be misbranded further in that the following statements appearing in the circular contained in the package, regarding its curative or therapeutic effects, were false and fraudulent: (Circular) "\* \* \* induces immediate local anesthesia \* \* \* effecting instant and prolonged pain relief \* \* \* 1. Induces immediate and prolonged anesthesia \* \* \* causing prompt relief from pain. \* \* \* Unlike other antiseptics, Anbesol retains its antiseptic-anesthetic activities indefinitely, \* \* \* kills quickly the most resistant pyogenic germs. \* \* \* gives immediate relief from pain to the injured area \* \* \* It is recommended for the relief of such conditions as: abscesses, inflammation. \* \* \* pruritis ani et vulvae, cracked nipples, fever sores, \* \* \* For stomatitis \* \* \* For Teething Babies."

On September 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27899. Misbranding of Burton's Relief. U. S. v. 146 Bottles of Burton's Relief. Default decree of condemnation and destruction.** (F. & D. No. 40157. Sample No. 43735-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On or about August 26, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 146 bottles of Burton's Relief at Sumter, S. C., alleging that the article had been shipped in interstate commerce on or about October 11, 1930, by the Carolina Medicine Co. from Littleton, N. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, extracts of plant drugs including colocynth, and a red coloring material.

It was alleged to be misbranded in that the bottle label, the carton, and the circular shipped with it bore false and fraudulent representations regarding its effectiveness in the treatment of rheumatism, high blood pressure, pellagra, and eczema; its effectiveness as a blood purifier; and its effectiveness to cleanse the whole system.

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27900. Misbranding of Grange Poke Root Compound. U. S. v. Nine Packages of Grange Poke Root Compound. Default decree of condemnation and destruction.** (F. & D. No. 40227. Sample No. 21247-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects. Its name also was misleading since it contained other physiologically active ingredients in addition to poke root.

On August 31, 1937, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Grange Poke

Root Compound at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about July 6, 1937, by the Dairy Association Co., Inc., from Lyndonville, Vt., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of Epsom salt (20.6 percent), sulphur (18.2 percent), potassium nitrate (11.7 percent), together with ground plant material including poke root and uva ursi.

The article was alleged to be misbranded in that the name "Grange Poke Root Compound" was false and misleading when applied to an article that contained other physiologically active ingredients in addition to poke root. It was allegedly misbranded further in that the following statements borne on the package were statements regarding its curative or therapeutic effects and were false and fraudulent: "Recommended for internal use as an eliminator in conjunction with external application of Bag Balm in treating garget, caked bag and similar udder conditions frequently following calving or resulting from high feeding. \* \* \* In the condition of udder congestion commonly known as simple mastitis, or Garget, Caked Bag, etc. Give one heaping tablespoonful with regular feed every morning. If any swelling accompanies the Garget, bathe with hot water, followed by liberal applications of Bag Balm, rubbing in thoroughly. A full dose of epsom salts should always be given as part of the treatment. \* \* \* Bag Balm For external treatment of the caked bag that frequently follows calving, or swollen quarters resulting from high feeding."

On September 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27901. Adulteration and misbranding of Pyradin Compound and Phenatin Compound. U. S. v. Jenkins Laboratories, Inc. Plea of guilty. Fine, \$60. (F. & D. No. 29391. I. S. Nos. 39311, 50995.)**

This case involved (1) Pyradin Compound which was represented to contain compounds of salicylates, but it contained no salicylate and did contain acetanilid and acetophenetidin; (2) Phenatin Compound in which acetanilid had been substituted for phenacetin (acetophenetidin). The labels failed to declare the acetanilid and acetophenetidin present in the former and the acetanilid present in the latter product.

On February 13, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jenkins Laboratories, Inc., Auburn, N. Y. alleging shipment by said company in violation of the Food and Drugs Act on or about December 10, 1931, from the State of New York into the State of Michigan; and on or about January 14, 1932, from the State of New York into the State of Pennsylvania of quantities of Pyradin Compound and Phenatin Compound, respectively, which were adulterated and misbranded.

The Pyradin Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since each tablet was represented to contain 2 grains of salicylates compound, whereas each tablet contained no salicylate but did contain 0.87 grain of acetanilid and 3.39 grains of acetophenetidin. It was alleged to be misbranded in that the statement on the bottle label, "Salicylates Comp. 2 grs. \* \* \* Tablets," was false and misleading; and in that it contained acetanilid and acetophenetidin, a derivative of acetanilid, and its package failed to bear on the label a statement of the quantity and proportion of acetanilid and acetophenetidin contained in the article.

The Phenatin Compound was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, since each of the tablets was represented to contain 3 grains of phenacetin (acetophenetidin); whereas they contained no phenacetin but did contain 2.86 grains of acetanilid per tablet. It was alleged to be misbranded in that the statement "Phenacetine 3 grs.," borne on the bottle label, was false and misleading; and in that it contained acetanilid and the package failed to bear on its label a statement of the quantity and proportion of acetanilid contained in the article.

On January 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$60.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27902. Adulteration and misbranding of Four Salicylates Compound.** U. S. v. Jenkins Laboratories, Inc. Plea of guilty. Fine, \$60. (F. & D. No. 33910. Sample No. 48522-A.)

This product contained less than one-third of the amount of salicylates represented upon its label. The labeling also bore false and fraudulent curative or therapeutic claims.

On June 3, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Jenkins Laboratories, Inc., Auburn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 15, 1933, from the State of New York into the State of Pennsylvania of a quantity of Four Salicylates Compound which was adulterated and misbranded.

Analysis showed that the article contained per tablet not more than 1.64 grains of salicylic acid, less than one-third of the total salicylates represented on the label, not more than 0.116 grain of sodium salicylate, not more than 1.14 grains of magnesium salicylate, and not more than 1 grain of strontium salicylate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the tablets contained less than one-third of the amount of salicylates represented upon the label.

It was alleged to be misbranded in that the statements, "Four Salicylates Co. Acid Salicylic Sodium Carbonate aa 1 gr. Sodium Salicylate 2 grs. Magnesium Salicylate 2 grs. Strontium Salicylate 2 grs. \* \* \* tablets," borne on the bottle label, were false and misleading in that they represented that each of the tablets contained 1 grain of salicylic acid and 2 grains each of sodium salicylate, magnesium salicylate, and strontium salicylate; whereas the tablets contained less salicylic acid, sodium salicylate, magnesium salicylate, and strontium salicylate than declared.

It was alleged to be misbranded further in that statements on the bottle label, regarding its curative or therapeutic effects, falsely and fraudulently represented that it was effective as an anti-rheumatic and as a treatment, remedy, and cure for rheumatism and ailments due to rheumatism.

On January 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$60.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27903. Misbranding of Dr. Jacob Becker's Eye Balsam.** U. S. v. W. M. Olliffe, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 34000. Sample No. 14826-B.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On June 11, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. M. Olliffe, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 12, 1934, from the State of New York into the State of Pennsylvania of a quantity of Dr. Jacob Becker's Eye Balsam which was misbranded. The article was labeled in part: "Prepared by W. M. Olliffe \* \* \* New York City."

Analysis showed that it consisted of a mixture of fat, sand, mercury, and mercuric oxide.

The article was alleged to be misbranded in that certain statements on the jar and carton and in a circular shipped with it falsely and fraudulently represented that it was effective as a relief, treatment, remedy, and cure for granulated eyelids, klieg eye, stys, pinkeye, sore, weak or inflamed eyes, and eye trouble.

On October 8, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27904. Misbranding of Hem-Roid.** U. S. v. Dr. Leonhardt Co. Plea of guilty. Fine, \$200. (F. & D. No. 37026. Sample Nos. 45577-B, 52210-B.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On June 29, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dr. Leonhardt Co., a corporation, Buffalo,

N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 14 and October 28, 1935, from the State of New York into the States of Colorado and Illinois, respectively, of quantities of Hem-Roid that was misbranded. The article was labeled in part; "Hem-Roid \* \* \* Dr. Leonhardt Co. Buffalo, N. Y."

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottles and cartons and contained in a circular shipped with it, falsely and fraudulently represented that it was effective as an internal palliative treatment for attacks of piles caused or aggravated by acute hepatic congestion.

On October 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27905. Adulteration and misbranding of absorbent cotton. U. S. v. 10½ Pounds of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 39109. Sample No. 12549-C.)**

This product was represented to be sterile but was in fact contaminated with viable micro-organisms.

On February 19, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ pounds of absorbent cotton at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 12, 1937, by the White Cross Laboratories, Inc. [The American White Cross Laboratories, Inc.] from Cape Girardeau, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed quality or standard under which it was sold, namely, "Sterilized \* \* \* Absorbent Cotton," since it was not sterilized but did contain viable micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Sterilized \* \* \* Absorbent Cotton," "The White Cross of Perfection is your Protection," and "Esterilizado [Spanish for "sterilized"]," were false and misleading when applied to an article which was not sterilized but did contain micro-organisms.

On October 5, 1937, the case having been called and the claimant having failed to appear, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27906. Adulteration and misbranding of Alcothol-Rub. U. S. v. 138 Pint Bottles of Alcothol-Rub. Default decree of condemnation and destruction. (F. & D. No. 39512. Sample No. 28281-C.)**

The shipping carton of this product was labeled "Alcohol 70%" and the bottle was labeled to indicate that the alcohol present was ethyl alcohol; the product contained no ethyl alcohol and not more than 2 percent of isopropyl alcohol. The labels failed to bear a statement of the quantity or proportion of isopropyl alcohol.

On April 29, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 138 bottles of Alcothol-Rub at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Alcothol-Rub \* \* \* Endorsed by the Medical Profession The Perfect Rubbing Compound \* \* \* Alcothol-Rub Co. New York"; (shipping carton) "Rubbing Alcohol Compound Alcohol—70%."

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Rubbing Alcohol Compound, Alcohol 70%," since it contained no ethyl alcohol but did contain a very small amount of isopropyl alcohol and a trace of witch-hazel oil and 98 percent of water.

It was alleged to be misbranded in that the statement on the bottle label, "Alcothol-Rub, Endorsed by the Medical Profession," was false and misleading since it created the impression that the article consisted essentially of alcohol and that the medical profession as a whole had endorsed it; whereas it contained no ethyl alcohol and the medical profession had not given it such endorsement. It was alleged to be misbranded further in that the statement on the shipping

container, "Rubbing Alcohol Compound, Alcohol 70%," was false and misleading; and in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein since no declaration of isopropyl alcohol was made.

On October 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27907. Misbranding of Eupraxine Eczema Salve and Eupraxine Wound Salve.**  
**U. S. v. 22 (60c-Size) and 16 (30c-Size) Packages of Eupraxine Eczema Salve and 12 (60c-Size) and 17 (30c-Size) Packages of Eupraxine Wound Salve. Default decrees of condemnation and destruction.**  
(F. & D. Nos. 39651, 39652. Sample Nos. 14654-C, 14655-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On June 3, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of the above-named drug products at Toledo, Ohio, alleging that the articles had been shipped in interstate commerce in various shipments on or about September 17 and November 5, 1936, and March 8, 1937, by the Eupraxine Co. from Detroit, Mich., and charging misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the eczema salve consisted essentially of zinc stearate and boric acid incorporated in petrolatum; and that the wound salve consisted essentially of ichthammol and petrolatum.

The articles were alleged to be misbranded in that the following statements regarding their curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Eczema salve, wrapper of both sizes and retail container of 60-cent size) "Eczema Salve \* \* \* For the treatment of Eczema or Salt Rheum, in all its different dry and moist forms, of ulcers or sore legs, of acne or pimples, of intertrigo"; (further statements on retail container, 60-cent size) "For the treatment of moist and discharging surfaces, such as weeping eczema, running sores, etc., \* \* \* For the treatment of the face \* \* \* If the right amount is taken the paste will quickly disappear leaving the skin soft and white"; (retail container, 30-cent size) "Relieves the itching of eczema. Allays irritation of acne or pimples, or intertrigo \* \* \* and is soothing for moist skin irritations"; (wound salve, wrapper) "Wound Salve," (metal container, 60-cent size, and wholesale carton, 30-cent size) "For the treatment of fresh, inflamed or poisoned wounds, burns, \* \* \* felonies, carbuncles, \* \* \* bunions, \* \* \* and erysipelas," (metal container, 60-cent size) "\* \* \* the sore spot."

On October 19, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27908. Misbranding of Eby's Swine Medicine.** U. S. v. Frank D. Eby (Eby Remedy Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 39723. Sample No. 30094-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 28, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank D. Eby, trading as the Eby Remedy Co., Marengo, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 5, 1937, from the State of Iowa into the State of Nebraska of a quantity of Eby's Swine Medicine that was misbranded.

Analysis showed that the article consisted essentially of creosote oils and eucalyptus, colored with a red dye.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottles, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for colds in swine and poultry and as a preventive of pneumonia in swine and poultry; effective to soothe inflammation and check fever; and effective as a builder or to cause hogs to regain weight.

On September 28, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27909. Adulteration and misbranding of capsules of Amidopyrin with Barbital, Barbital, Ergotine Compound, "Anti-Grippe," Acetanilide and Salol, and Quinine Sulphate; and misbranding of capsules of Phenacetine and Salol, and Salol.** U. S. v. Alva F. Watkins Co. Plea of nolo contendere. Fine, \$500. (F. & D. No. 39725. Sample Nos. 18648-C, 18650-C, 18796-C to 18799-C, incl., 18882-C, 18884-C.)

These products contained therapeutic agents in smaller amounts or in excess of the amounts declared on the labels. The Anti-Grippe Capsules contained acetophenetidin and the label failed to declare that acetophenetidin is a derivative of acetanilid.

On July 27, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alva F. Watkins Co., a corporation of Jackson, Mich., alleging shipment by said company in violation of the Food and Drugs Act on or about December 18, 1936, January 21, and March 18, 1937, from the State of Michigan into the State of Missouri of quantities of the above-named drugs most of which were adulterated and misbranded and the remainder of which were misbranded. The articles were labeled in part: "Alva F. Watkins Co. Jackson, Michigan."

The Amidopyrin with Barbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 3½ grains of amidopyrin [aminopyrine]; whereas each capsule contained not more than 2.77 grains of amidopyrin [aminopyrine]. It was alleged to be misbranded in that the statement "Capsules \* \* \* Amidopyrin \* \* \* 3½ grs.," borne on the bottle label, was false and misleading.

The barbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 5 grains of barbital; whereas each capsule contained not more than 3.87 grains of barbital. It was alleged to be misbranded in that the statement "Capsules \* \* \* Barbital \* \* \* 5 grs.," borne on the bottle label, was false and misleading.

The Ergotine Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2½ grains of quinine hydrobromide, whereas each capsule contained not more than 1.49 grains of quinine hydrobromide. It was alleged to be misbranded in that the statement "Capsules \* \* \* Ergotine Compound Each Capsule contains quinine hydrobromide 2½ grs.," borne on the bottle label, was false and misleading.

The "Anti-Grippe" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2 grains of ammonium salicylate and 2 grains of acetophenetidin; whereas each capsule contained not more than 1.51 grains of ammonium salicylate and not more than 1.42 grains of acetophenetidin. It was alleged to be misbranded in that the statement, "Capsules \* \* \* Anti-Grippe. Each Capsule contains Ammonium Salicylate 2 grs. Acetphenetidin 2 grs.," borne on the label, was false and misleading. It was alleged to be misbranded further in that it contained acetophenetidin, a derivative of acetanilid, and the package failed to bear on its label a statement that acetophenetidin is a derivative of acetanilid.

The Acetanilide and Salol was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2½ grains of acetanilid and 2½ grains of salol; whereas each capsule contained not more than 2.13 grains of acetanilid and not more than 1.91 grains of salol. It was alleged to be misbranded in that the statement, "Capsules \* \* \* Acetanilide and Salol. Each Capsule Contains Acetanilide 2½ grs. Salol 2½ grs.," borne on the label, was false and misleading.

The quinine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 2 grains of quinine sulphate; whereas each capsule contained not more than 1.62 grains of quinine sulphate. It was alleged to be misbranded in that the statement, "Capsules \* \* \* Quinine, 2 grs. Each capsule contains quinine sulphate 2 grs.," borne on the bottle label, was false and misleading.

The Phenacetine and Salol was alleged to be misbranded in that the statement, "Capsules \* \* \* Phenacetine and Salol. Each capsule contains \* \* \* Salol 2½ grs.," were false and misleading in that the said statement represented that each capsule contained 2½ grains of salol; whereas each capsule contained more than 2½ grains [namely, 2.98 grains] of salol.

The salol was alleged to be misbranded in that the statement "Capsules \* \* \* Salol. Each capsule contains 5 grs. Salol," was false and misleading in that the said statement represented that each capsule contained 5 grains of salol; whereas each capsule contained more than 5 grains [namely, 6 grains] of salol.

On September 16, 1937, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27910. Misbranding of Trask's Treatment for Constipation, Van Ogden Gargle, and Van Ogden Wonderful Liniment. U. S. v. Western Laboratories, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 39731. Sample Nos. 14623-C, 14625-C, 14626-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects; that of the treatment for constipation also bore false and misleading representations that it was wholly vegetable and contained no irritating ingredient, whereas it contained phenolphthalein and strychnine—irritating ingredients, the former of which is not a vegetable substance; the liniment contained chloroform and the label failed to bear a statement of the quantity and proportion of chloroform contained therein.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Laboratories, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of November 14, 1936, and January 9, 1937, from the State of Illinois into the State of Michigan of quantities of drug preparations which were misbranded. The articles were labeled variously: "Trask's New Treatment for Constipation \* \* \* Guaranteed by Western Laboratories, Chicago"; "Van Ogden Gargle [or "Van Ogden Wonderful Liniment"] \* \* \* Van Ogden, Inc., \* \* \* Chicago."

Analysis showed that the treatment for constipation consisted of tablets containing extracts of plant drugs, phenolphthalein, and strychnine, coated with calcium carbonate and an iron compound; that the gargle consisted essentially of small proportions of potassium chloride, iron chloride, thymol, and water; and that the liniment consisted essentially of small proportions of methyl salicylate, menthol, capsicum, camphor, chloroform (7 minimis per fluid ounce), and mineral oil.

All products were alleged to be misbranded in that the labeling bore certain statements, designs, and devices regarding their curative or therapeutic effects which were false and fraudulent in the following respects: The treatment for constipation was represented to be effective as a relief for biliousness, sick headache, liver complaints, and constipation, as a remedy for the most obstinate cases, as a tonic for the bowels, as a treatment, remedy, and cure for constipation, biliousness, indigestion, torpid liver, stomach trouble, and bad breath, effective to cause a clear, healthy complexion and to produce a clear, healthy skin, to eliminate clogged waste matter, and as a treatment, remedy, and cure for pimples, liver spots, sallowness, bad breath, and poor health; effective to remove the cause of all liver complaints, biliousness, and sick headache; and effective as a tonic for the bowels, and as a treatment, remedy, and cure for habitual constipation. The gargle was represented to be effective as a remedy and cure for sore throat, croup, tonsillitis, hoarseness, sore mouth, aphtha, thrush, and all diseases of a similar nature affecting the mouth and throat of children and adults. The liniment was represented to be effective for the relief of rheumatism and swellings.

The treatment for constipation was alleged to be misbranded further in that the statement "It is purely vegetable, non-irritating," contained in the circular, was false and misleading since it represented that the article consisted wholly of vegetable substances and contained no irritating ingredient; whereas it consisted in part of phenolphthalein, not a vegetable substance, and contained irritating ingredients, namely, phenolphthalein and strychnine. The liniment was alleged to be misbranded further in that it contained chloroform and the label failed to bear a statement of the quantity and proportion contained therein.

On October 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, Acting Secretary of Agriculture.

- 27911. Adulteration and misbranding of ephedrine hydrochloride capsules. U. S. v. Max J. Wolfson (Columbia Medical Laboratories). Plea of guilty. Fine, \$50.** (F. & D. No. 39734. Sample Nos. 26672-C, 26673-C.)

This product was sold under the name ephedrine hydrochloride, whereas it consisted of ephedrine sulphate.

On September 9, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max J. Wolfson, trading as the Columbia Medical Laboratories, New York, N. Y., alleging shipment by said defendant on or about January 18, 1937, from the State of New York into the State of New Jersey of a quantity of ephedrine hydrochloride capsules that were adulterated and misbranded. The article was labeled in part; "Columbia Ephedrine Hydrochloride \* \* \* Columbia Medical Laboratories New York, N. Y."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it was not ephedrine hydrochloride, but was ephedrine sulphate.

The article was alleged to be misbranded in that the statement on the bottle, "Ephedrine Hydrochloride," was false and misleading.

On September 17, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 27912. Misbranding of Reliable Perio Pills, Rex Improved Hygienic Powder, and Rex Pep-Tone Pills. U. S. v. Rex Drug Co., Lewis Podrofski, and William Jansen. Pleas of guilty. Fines totaling \$75.** (F. & D. No. 39739. Sample Nos. 35134-C, 35135-C, 35136-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rex Drug Co., a corporation, Chicago, Ill., and Lewis Podrofski and William Jansen, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 4, 1937, from the State of Illinois into the State of New Jersey of quantities of the above-named drug preparations that were misbranded. The articles were labeled in part variously: "Reliable Perio Pills \* \* \* Reliable Medical Co. \* \* \* Chicago, Ill."; "Rex Improved Hygienic Powder [or "Rex Pep-Tone Pills"] \* \* \* Rex Drug Co. \* \* \* Chicago, Ill."

The Perio "Pills" consisted of brown and pink tablets. Analyses showed that the brown tablets consisted essentially of compounds of sodium and iron, sulphates, carbonates, and aloe coated with calcium carbonate; and that the pink tablets consisted essentially of phenolphthalein and ginger, with sugar and calcium carbonate. Analyses of the other products showed that the Improved Hygienic Powder consisted essentially of boric acid (99.2 percent) and a small amount of thymol; and that the Pep-Tone Pills consisted essentially of iron and sodium, sulphates, carbonates, and zinc phosphide coated with calcium carbonate.

The information alleged that the articles were misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Perio Pills, carton) "Perio Pills", "A Help to Nature in Menstrual Irregularities and Disorders"; (Perio Pills, circular) "Female Regulating Pills," "A Reliable and Effectual Remedy for Painful and Scanty Menstruation," "Obstinate Cases of Painful Menstruation," "To Prevent Irregularities"; (Hygienic Powder, canister) "Indicated in Lucorrhea, Gonorrhœa, Vaginitis, Endometritis, Pruritis, Vulva And in Cases of Fetid Discharges," "In severe cases douche two or three times daily until normal conditions have been restored"; (Pep-Tone Pills, inner carton) "Pep-Tone," "A Conditioning Tonic," "Helps build up the blood and aids in the restoration of shattered nerve forces."

On October 26, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed fines totaling \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 27913. Adulteration and misbranding of phenobarbital sodium and adulteration of Pituipost ampuls. U. S. v. The Intra Products Co. Plea of guilty. Fine, \$300.** (F. & D. No. 39763. Sample Nos. 30765-C, 30773-C.)

This case involved phenobarbital sodium ampuls that were contaminated with viable micro-organisms, whereas drugs in ampuls are required to be in a sterile condition; also Pituipost ampuls which differed from the standard for powdered posterior pituitary laid down in the National Formulary.

On September 10, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intra Products Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act on or about March 5, 1937, from the State of Colorado into the State of Texas of a quantity of phenobarbital sodium which was adulterated and misbranded and a quantity of Pituipost which was adulterated. The articles were contained in ampuls labeled in part, "The Intra Products Co., Denver, Colo."

The phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to consist wholly of sterile phenobarbital sodium; whereas it did not so consist, but did consist of unsterile phenobarbital sodium containing viable micro-organisms. It was alleged to be misbranded in that the statement "Phenobarbital Sodium," borne on the ampuls, was false and misleading in that it represented that the article consisted wholly of phenobarbital sodium; whereas it did not so consist but did consist in part of viable micro-organisms.

The Pituipost was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein since 1 cubic centimeter of the article produced an activity upon the isolated uterus of the virgin guinea pig corresponding to less than 80 percent of that produced by 0.005 gram of standard powdered posterior pituitary, i. e., an activity corresponding to not more than 25 percent of the minimum requirement of the National Formulary for ampuls of posterior pituitary, namely, pituitary extract.

On November 27, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27914. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 63, 103, 7, and 88 Ampuls of Phenobarbital Sodium (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 39672, 39962, 39965, 40015, 40016. Sample Nos. 9586-C to 9589-C, incl., 24526-C to 24529-C, incl., 47814-C, 47942-C, 47943-C.)

Samples of this product were found to be contaminated with viable micro-organisms; whereas drugs in ampuls are required to be in a sterile condition.

On June 1, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 384 ampuls of phenobarbital sodium at Los Angeles, Calif. On July 12 and July 29, 1937, libels were filed against 29 ampuls of the product at Oakland, Calif., 251 ampuls at San Francisco, Calif., and 96 ampuls at El Paso, Tex. The libels alleged that the article had been shipped in interstate commerce between the dates of January 11 and May 28, 1937, by the Intra Products Co. from Denver, Colo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, ampuls of phenobarbital sodium, a sterile preparation, since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Phenobarbital Sodium," borne on the ampul, was false and misleading.

On September 2, November 3, and November 22, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27915. Misbranding of Van's Magic Oil. U. S. v. 59 Bottles of Van's Magic Oil. Default decree of condemnation and destruction.** (F. & D. No. 39970. Sample No. 34047-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bottles of Van's Magic Oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 1, 1937, by Guy S. Venderlinde from Muskegon,

Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of volatile oils (10 percent) including camphor and eucalyptol incorporated in a base of linseed oil.

It was alleged to be misbranded in that the bottle label contained false and fraudulent representations regarding its effectiveness in the treatment of nervous and inflammatory diseases, headache, rheumatism, lame back or side, neuralgia, burns, cuts, bronchitis, sore throat, hoarseness, piles, toothache, coughs, and teething children.

On September 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27916. Misbranding of Dr. Naylor's Cleralac, Udder Balm, Udder Liniment, Direne, and Tonic for Horses. U. S. v. 11 Packages of Dr. Naylor's Cleralac (and 4 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 39976 to 39980, incl. Sample Nos. 20883-C to 20885-C, incl. 20887-C, 20888-C.)**

The labeling of these products bore false and fraudulent representations regarding their curative or therapeutic effects and that of the Cleralac bore false and misleading representations regarding its composition.

On July 14, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 packages of Dr. Naylor's Cleralac, 21 cans of Dr. Naylor's Udder Balm, 7 cans of Dr. Naylor's Udder Liniment, 11 canisters of Dr. Naylor's Direne, and 7 canisters of Dr. Naylor's Tonic for Horses at Providence, R. I., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of February 13, 1936, and June 1, 1937, by the H. W. Naylor Co., in part from Morris, N. Y., and in part from Oneonta, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Cleralac consisted essentially of sodium bicarbonate (89 percent) and calcium carbonate (9 percent) with traces of sodium sulphite and formaldehyde; that the Udder Balm consisted essentially of volatile oils (2 percent) and phenols (1.7 percent) incorporated in a petrolatum base; that the Udder Liniment consisted essentially of volatile oils (approximately 15 percent) including methyl salicylate and oil of sassafras, a tarry oil, and water; that the Direne consisted essentially of compounds of calcium, bismuth, zinc, magnesium, and sodium, carbonates, subnitrates, and sulphocarbonates; and that the Tonic for Horses consisted essentially of plant material including nux vomica and calcium carbonate.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects were false and fraudulent: (Cleralac) " \* \* \* (Clear the Milk) For the treatment of common disturbances of the mammary system resulting in thick milk bloody milk stringy milk non contagious garget \* \* \* If cow does not eat, mix with one pint of milk and give from a bottle. In acute cases, give every six hours. If udder is swollen, bathe with Dr. Naylor's Udder Liniment"; (Udder Balm) " \* \* \* A clean and effective treatment for caked udder, \* \* \* Possess \* \* \* healing \* \* \* absorbing properties \* \* \* Reduces inflammation \* \* \* Caked Udder. Apply after each milking. Rub in well. For severe cases of caked udder—acute mastitis—use Dr. Naylor's Udder Liniment"; (Udder Liniment) "For caked udder acute mastitis \* \* \* Caked Udder. Apply after each milking. Use both hands to work application well into udder and at the same time strip out affected quarters. Acute Mastitis—Garget In acute cases \* \* \*"; (Direne) "For the relief of Diarrhea Due to over feeding improper feeding acid conditions of the stomach and intestines \* \* \* As a preventative—Give one teaspoonful in the milk once a day for ten days after calf is weaned"; (Tonic for Horses) "Removes worms \* \* \* Aids digestion \* \* \* Horses in poor condition due to chronic indigestion, worms, liver or kidney disturbances require more grain and are capable of less work. To obtain maximum amount of 'horse power' for feed consumed, give these conditions proper care and treatment as soon as recognized. \* \* \* As a general alterative and corrective tonic for horses that are Run Down, out of condition, give one tablespoonful on grain morning and night. For chronic indigestion, bowel catarrh due to worms \* \* \* Acute indigestion, colic \* \* \* Vitamin concentrate."

The Cleralac was alleged to be misbranded further in that the statement borne on the label, "Ingredients—Paraformaldehyde, Sodium Bisulphite, Sodium

Bicarbonate, Juniper Berries, Poke Root," were false and misleading since the product did not consist entirely of the said ingredients but did consist of sodium bicarbonate and calcium carbonate with traces of sodium sulphite and formaldehyde.

On October 13, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27917. Misbranding of Cozzins New Formula for Asthma. U. S. v. 121 and 140 Packages of Cozzins New Formula for Asthma. Default decree of condemnation and destruction.** (F. & D. Nos. 40022, 40023. Sample Nos. 17679-C, 17680-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On August 8, 1937, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 packages of Cozzins New Formula for Asthma at Mayaguez, P. R., and 140 packages at San Juan, P. R., alleging that the article had been shipped on or about May 15 and June 1, 1937, by the Cozzins Chemical Co. from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that it consisted essentially of powdered stramonium, potassium nitrate, and a small amount of anise oil.

The article was alleged to be misbranded in that the tin container, the carton, and the circular shipped with it bore false and fraudulent representations regarding its effectiveness in the treatment of asthma, hay fever, nasal catarrh, and catarrhal conditions of the mucous membrane, phthisis, and all spasmodic diseases of the respiratory system; and its effectiveness to promote free and easy expectoration, to relieve oppressive sense of suffocation, restore natural breathing, and to induce a comfortable feeling of calmness and repose.

On September 10, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27918. Adulteration and misbranding of Starks' Headache Powders. U. S. v. 146, 139, and 126 Packages of Starks' Headache Powders. Default decree of condemnation and destruction.** (F. & D. Nos. 40027, 40028. Sample Nos. 35420-C, 48721-C, 48722-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims. It also indicated that the article when used as directed, was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was not but was a dangerous drug when so used; and it failed to bear a correct statement of the quantity or proportion of acetanilid contained in the article.

On or about August 2, 1937, the United States attorneys for the Western District of Missouri and the Eastern District of Missouri filed in their respective district courts libels praying seizure and condemnation of 285 packages of Starks' Headache Powders at Kansas City, Mo., and 126 packages of the product at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by Starks & Co. from Midway, Ky., between the dates of February 8 and June 10, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained 7 grains of acetanilid per powder, or 263 grains per avoirdupois ounce.

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Contain 290 Grains Acetanilide U. S. P. per Ounce," since it contained much less than 290 grains of acetanilid per ounce.

It was alleged to be misbranded in that the statement, "Contain 290 Grains Acetanilide U. S. P. per Ounce, or 6 Grains in Each Powder," was false and misleading since it contained much less than 290 grains of acetanilid U. S. P. per ounce and more than 6 grains in each powder. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of acetanilid since the declaration made was incorrect. It was alleged to be misbranded further in that the statements, (container) "Headache powders \* \* \* For headache and neuralgia \* \* \* Directions.—Put a powder on tongue and take a swallow of water. Repeat in two hours if necessary. Take sparingly of food and drink. \* \* \* Contains

no cocaine, chloral, or opiates," (circular) "Headache powders \* \* \* For the relief of headache and neuralgia \* \* \* Directions: Place a powder on the tongue and take a swallow of water. If needed, take another powder in two hours. Always take a powder as soon as you feel the first symptoms of headache or neuralgia. \* \* \* 'Headache powders work like a charm with me; have been a great sufferer all my life.' \* \* \* 'have entirely relieved me of the old sick headache which has troubled me for years,'" were false and misleading in that they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was a dangerous drug when used as directed; and in that said statements were false and fraudulent since they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the disorders claimed for it; whereas it was not a safe and appropriate treatment but was a dangerous drug when used as directed.

On September 22 and September 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27919. Adulteration and misbranding of Sealtex. U. S. v. 9 Packages and 43 Packages of Sealtex. Default decree of condemnation and destruction. (F. & D. No. 40067. Sample Nos. 43438-C, 43439-C.)**

This product was represented to be sterile; whereas it was not sterile but was contaminated with viable micro-organisms. Its label also bore false and fraudulent curative or therapeutic claims.

On August 12, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 50-cent packages and 43 25-cent packages of Sealtex at New Orleans, La., alleging that the article had been shipped on or about July 17, 1937, in interstate commerce by the Sealtex Corporation from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, (carton, 25-cent size, and leaflet, both sizes), "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Sterilized," appearing in the labeling, was false and misleading. It was alleged to be misbranded further in that the following statement, borne on the carton of both sizes, regarding its curative or therapeutic effects, was false and fraudulent: "Sealtex Replaces Adhesive Tape and Moleskin For Cuts, \* \* \* Burns."

On October 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27920. Misbranding of Zomogo Oil. U. S. v. 37 Bottles of Zomogo Oil (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40031, 40108, 40970. Sample Nos. 18803-C, 45801-C, 63023-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 2, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bottles of Zomogo Oil at West Plains, Mo. On August 13 and December 3, 1937, libels were filed against 31 bottles of Zomogo Oil at Harmony, Minn., and 31 bottles of the product at Keosauqua, Iowa. The libels alleged that the article had been shipped in interstate commerce by L. Zomogo Hood from Hot Springs, Ark., in various shipments on or about July 10, July 14, and October 16, 1937, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a mixture of oils, including petroleum oil, eucalyptus oil, mustard oil, clove oil, and cassia oil.

The libels alleged that the article was misbranded in that the statements on the bottle label, "Directions: Apply well over affected part. Read directions on circular carefully," and representations in a circular shipped with the article regarding its effectiveness in the treatment of tuberculosis of the lungs and spine, pellagra, asthma, rheumatism of all kinds, neuritis, sciatica, arthritis, influenza, lumbago, Bright's disease, dropsy, typhoid fever, smallpox, measles, chickenpox, eczema, rash, diabetes, deafness, earache, catarrh, headache, cancer,

pyorrhea, toothache, blood poison, dandruff, quinsy, diphtheria, sore throat, acute indigestion, gallstones, gall-bladder trouble, bite of black widow spider, lock-jaw, kidney trouble, bloating, pneumonia, female trouble, coughs, spinal meningitis, bone abscess, nerve and heart trouble, blood poisoning, high blood pressure, convulsions, muric (sic) acid poisoning, carbuncles, and ovarian trouble, were false and fraudulent.

On September 28 and October 4, 1937, and January 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27921. Misbranding of Clydesdale Ointment. U. S. v. 33 Jars of Clydesdale Ointment. Default decree of condemnation and destruction. (F. & D. No. 40068. Sample No. 31646-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 18, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 jars of Clydesdale Ointment at Columbus, Ohio, consigned on May 26, 1937, alleging that the article had been shipped in interstate commerce by the George W. Bicknell Co. from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs act as amended.

Analysis showed that the article consisted essentially of petrolatum with a small amount of volatile oils, including turpentine oil and a safrol-containing oil.

It was alleged to be misbranded in that the jar label and box and a circular shipped with it contained false and fraudulent representations regarding its effectiveness in the treatment of human beings for piles, including blind, bleeding, or itching piles, ulcers, old sores, skin trouble, corns, bunions, cuts, rheumatism, croup, sore throat, cuts, wounds, bruises, burns, scalds, bites of insects, reptiles, and beasts, croup, cough, sore throat, pain in side or chest, and lame back; and its effectiveness in the treatment of horses for galls, sores, cuts, cores from shoulder and back and sore neck, nails in foot, contracted sores, cracked or brittle foot, corns, thrush, and quitter or bealing on foot or heel.

On October 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27922. Adulteration and misbranding of J. L. Filkins' Wonderful Wintergreen. U. S. v. 69 Bottles and 3 Bottles of J. L. Filkins' Wonderful Wintergreen. Default decree of condemnation and destruction. (F. & D. No. 40158. Sample No. 43730-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. The designation "Wintergreen" was false and misleading in view of the composition of the article.

On or about September 3, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 small bottles and 3 large bottles of J. L. Filkins' Wonderful Wintergreen at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about June 5, 1937, by J. L. Filkins & Co., from Yonkers, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (2.5 percent), extracts of plant drugs including colchicine, alcohol, and water, flavored with methyl salicylate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Wintergreen," since it did not consist of wintergreen.

It was alleged to be misbranded in that the designation "Wintergreen" and the design of a wintergreen plant, borne on the carton, were false and misleading in view of its composition. It was alleged to be misbranded further in that the bottle, carton, and circular contained false and fraudulent representations regarding its effectiveness in the treatment of muscular and articular rheumatism, lumbago, sciatica, neuralgia, neuritis, gout, and acute rheumatic fever.

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27923. Misbranding of Athlo Ointment and Athlo Tablets.** U. S. v. 30 Tubes of Athlo Ointment and 129 Cartons of Athlo Tablets. Default decrees of condemnation and destruction. (F. & D. Nos. 40168, 40169. Sample Nos. 36727-C, 36728-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On August 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 tubes of Athlo Ointment and 129 cartons of Athlo Tablets at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about July 6, 1937, by the Athlophoros Co. from Pomfret Center, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the ointment consisted essentially of menthol, thymol, camphor, methyl salicylate, oil of mustard, and oil of turpentine incorporated in an ointment base; and that the tablets consisted essentially of aloin, strychnine, and compounds of iron, arsenic, mercury, and iodine.

The articles were alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that the ointment was effective in the treatment of pain, soreness, swelling, inflammation, stiffness, neuralgic pains, sore throat, or cold on the chest and spasmodic croup, effective to soothe, relieve, and heal; and that the tablets were effective in the treatment of indigestion, liver disorders, general debility, headache, gouty condition, want of appetite and derangements of the stomach, effective in cleansing, regulating, and strengthening the system, effective as an aid to the rheumatic, and effective in severe or long standing disease.

On October 20, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27924. Misbranding of Midol.** U. S. v. 432 Packages and 288 Packages of Midol (and 8 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40170 to 40175, incl., 40258, 40259, 40281. Sample Nos. 12030-C, 12031-C, 42246-C to 42251-C, incl., 54626-C, 54627-C, 58720-C, 58721-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 27, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,040 20-cent-sized and 1,752 50-cent-sized packages of Midol at Baltimore, Md. On September 8, 9, and 13, 1937, libels were filed against 396 20-cent and 168 50-cent-sized packages of Midol at Trenton, N. J.; 96 20-cent-sized and 49 50-cent-sized packages at Dover, N. H.; and 120 20-cent-sized and 141 50-cent-sized packages at Concord, N. H. The libels alleged that the article had been shipped in interstate commerce between the dates of March 25 and August 26, 1937, by the General Drug Co. from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the article contained approximately 5 grains of aminopyrine and approximately 0.4 grain of caffeine.

It was alleged to be misbranded in that the following statements contained in a leaflet and circulars shipped with it, regarding its curative or therapeutic effects, were false and fraudulent in that they represented that the article was a safe and appropriate remedy when used as directed for the relief of functional menstrual pain and discomfort, headache and neuralgia, whereas the article was not a safe and appropriate remedy when used as directed for the relief of such ailments but was a dangerous drug: (Leaflet, 50-cent size only) "Take one tablet whole, or broken up with a swallow of water. If necessary a second tablet may be taken in two hours and a third in another three or four hours"; (circular in both sizes) "For the relief of functional menstrual pain A boon to women. The discovery of Midol brought a great new relief to women who have suffered from functional pain during the menstrual or monthly period. Functional menstrual pain and discomfort occur often in young girls and unmarried women and occasionally cause much distress to married women. They may be caused by cold, exposure to bad weather, undue work or physical activity, minor forms of nervous contractions. Midol usually brings relief and comfort promptly in such cases and does not interfere in any way with the natural process of menstruation. How to use Midol For the quick relief of pain, headache or other discomfort common to functional menstrual disturbances, take one Midol tablet, whole or crushed, with a swallow of water. If not

relieved, a second tablet may be taken in two hours, and a third in another three or four hours. Midol is offered especially for the relief of functional menstrual pain and discomfort. Other uses where Midol is also effective—Headache:—One Midol tablet relieves most headaches promptly. A second tablet may be taken in one hour, if necessary. Neuralgia:—The soothing influence of one Midol tablet becomes quickly apparent. A second tablet may be taken in one hour, if necessary. Midol is a preparation of distinctive merit. Don't accept substitutes that somebody asserts to be as good."

On October 5, 13, and 26, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27925. Adulteration and misbranding of Goody's Headache Powder. U. S. v. 1,440 Packages of Goody's Headache Powder. Default decree of condemnation and destruction. (F. & D. No. 40251. Sample No. 44240-C.)**

The label of this product represented that each powder contained 4 grains of acetanilid, and that it was safe and reliable and possessed no narcotic properties; whereas the average amount of acetanilid contained in each powder was 3.13 grains, the product was not safe and reliable, and it did possess narcotic properties.

On or about September 9, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,440 packages of Goody's Headache Powder at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about May 5, 1937, from Winston Salem, N. C., by Goody's Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Each Powder Contains 4 Grs. Acetanilid," since each powder did not contain 4 grains of acetanilid but did contain a lesser amount.

It was alleged to be misbranded in that the statements on the label, "Each Powder Contains 4 Grs. Acetanilid" and "Goody's are absolutely safe and reliable and can be taken with complete assurance that they contain no \* \* \* narcotic drugs in any form," were false and misleading since the powders each contained less than 4 grains of acetanilid and when taken in accordance with the directions they were not safe and reliable and did possess narcotic properties.

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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L I B R E R Y  
R E C E I V E D  
★ AUG 6 1938  
U. S. Department of Agriculture

N. J. F. D. 27926-28000

Issued July 1938

# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27926-28000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 6, 1938]

**27926. Adulteration and misbranding of olive oil.** U. S. v. 52 Cases, 6 Cases, 2 Cases of Olive Oil (and four other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 37450, 37530, 37555, 37694, 37759. Sample Nos. 56195-B to 56198-B, incl., 56201-B, 56203-B, 56204-B, 67701-B.)

This product was represented to be imported olive oil, whereas it consisted in part of tea-seed oil. The half-gallon cans were short of the declared volume.

On March 30, April 6 and 8, May 1 and 25, 1936, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 400 gallon cans, 141 half-gallon cans, 230 quart cans, and 67 pint cans of olive oil in various lots at Youngstown, Cleveland, and Akron, Ohio, alleging that the article had been shipped in interstate commerce between the dates of November 6, 1934, and February 13, 1936, by Moscablades Bros., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Elephant Brand Imported Virgin Olive Oil Embro Import Co. \* \* \* New York \* \* \* Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing tea-seed oil: "Imported Virgin Olive Oil \* \* \* [design of an olive branch with olives] \* \* \* The Olive Oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes \* \* \* Puro Olio d'Oliva Vergine \* \* \* L'olio di oliva che questa latta contiene, un prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso è altamente raccomandata tanto per uso da tavola come per uso medicinale," (top of can) "Imported from Italy" or "Imported Olive Oil"; and in that it was offered for sale under the distinctive name of another article, olive oil. The product in the half-gallon cans was alleged to be misbranded further in that the statement on the cans, "Half Gallon," was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 25, 1937, the cases having been called and the claimant having failed to appear, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27927. Adulteration and misbranding of Lemonina E-Z Squeeze and Lemonina Dry.** U. S. v. Lemonina Products Corporation. Plea of nolo contendere. Fine, \$20. (F. & D. No. 37939. Sample Nos. 45947-B, 50485-B, 60737-B.)

These products (powders in one case and a liquid in the other) were labeled to indicate that they were dehydrated lemon juice and concentrated lemon juice, respectively; whereas the powders consisted of a mixture of citric acid and essential oil or citral; and the liquid consisted of a dilute solution of citric acid, artificially colored and containing a trace of lemon oil.

On December 2, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lemonina Products Corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 25, September 14, and November 12, 1935, from the State of New York into the States of Colorado and California of quantities of Lemonina E-Z Squeeze; and on or about November 30, 1935, from the State of New York into the State of Connecticut of a quantity of Lemonina Dry, which products were adulterated and misbranded. The articles were labeled in part: "Dover Importing Corp. \* \* \* New York."

The Lemonina E-Z Squeeze was alleged to be adulterated in that mixtures of citric acid—of which one lot contained a small amount of essential oil and the other contained a trace of citral—had been substituted for powdered lemon juice, which it purported to be. The Lemonina Dry was alleged to be adulterated in that a dilute solution of citric acid, artificially colored and containing traces of lemon oil, had been substituted for concentrated lemon juice, which it purported to be.

The articles were alleged to be misbranded in that the statements in the labeling, (Lemonina E-Z Squeeze, holder, box, display poster, and display carton shipped with a portion) "Lemonina," (box, poster, and carton) "Prepared from fresh lemon juice. Use like lemon juice for cooking, flavoring, mixing," (holder) "Dissolve contents \* \* \* and use as you would juice of one lemon"; (Lemonina Dry, bottle) "Lemonina \* \* \* A product of pure Messina Lemon concentrate and ozonated water [design of a lemon]," were false and misleading and were borne on said labeling so as to deceive and mislead the purchaser.

On September 24, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$20.

HARRY L. BROWN, Acting Secretary of Agriculture.

**27928. Adulteration and misbranding of preserves.** U. S. v. Jewett & Sherman Co. Plea of nolo contendere. Judgment of guilty. Fine, \$75 and costs. (F. & D. No. 38024. Sample Nos. 48083-B, 51480-B, 51481-B, 51487-B, 51488-B, 51494-B, 55583-B, 55929-B, 55932-B, 55935-B.)

These products contained less fruit and more sugar than preserves should contain. Most of the lots contained added acid and some contained added pectin.

On April 7, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jewett & Sherman Co., a corporation trading at Cleveland, Ohio, alleging shipment by said company under the names of the Madison Food Products Co., and Holsum Products, Inc., between the dates of April 5, 1935, and January 29, 1936, from the State of Ohio into the States of Virginia, Illinois, and Wisconsin of quantities of preserves which were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled variously: "First Prize Brand Pure Damson [or "Peach"] Preserves \* \* \* The William Edwards Co. Distributors Cleveland Ohio"; "Edwards Brand \* \* \* Pure Damson [or "Blackberry" or "Peach"] Preserves Distributed by the Wm. Edwards Co. Cleveland, Ohio"; "Centrella Brand Apricot [or "Peach"] Pure Fruit Preserves Distributed by Central Wholesale Grocers, Inc., Chicago, Ill.>"; "Silver Buckle Brand Pure Peach Preserves Distributed by E. R. Godfrey & Sons Co. Milwaukee, Wis."; "None-Such Brand Pure Peach Preserves Durand-McNeill-Horner Co. Distributors Chicago, Ill."

The articles were alleged to be adulterated in that substances containing less fruit and more sugar than preserves should contain—some containing added acid and others containing added acid and pectin—had been substituted for pure preserves, which they purported to be; in that substances, namely, sugar in certain lots, sugar and acid in other lots, and sugar, acid and pectin in others, had been mixed with fruit in a manner whereby the quality of the articles as preserves was lowered and reduced; and in that they had been mixed in a manner whereby their inferiority to preserves was concealed.

They were alleged to be misbranded in that they were imitations of preserves and had been offered for sale under the distinctive names of other articles, namely, damson, blackberry, peach, and apricot preserves, respectively; in that the statements on the labels, "Pure Damson Preserves," "Blackberry Preserves," "Peach Preserves," and "Apricot Pure Fruit Preserves," were false and misleading; and in that by reason of said statements they were labeled so as to deceive and mislead the purchaser.

On November 8, 1937, a plea of nolo contendere was entered, and the defendant was found guilty and fined \$75 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27929. Adulteration of preserves and jam.** U. S. v. Salomo Food Products Co., a corporation, Jacob Postel, Jr., and William Hartman. Pleas of guilty. Corporation fined \$400. Individual defendants each fined \$100. (F. & D. No. 38581. Sample Nos. 52466-B to 52471-B, incl., 52729-B, 52730-B, 52748-B, 52782-B to 52789-B, incl., 52791-B to 52794-B, incl.)

Examination showed these products to contain glucose, added acid, added pectin, or excess water, one or more of said substances being present in all. With a few exceptions they contained less fruit and more sugar than preserves should contain.

On June 14, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Salomo Food Products Co., a corporation, Jacob Postel, Jr., and William Hartman, officers of the corporation, alleging shipment by said defendants between the dates of October 16, 1935, and March 28, 1936, from the State of Missouri into the States of Illinois and Iowa of quantities of preserves and jam that were adulterated.

The articles were labeled variously: "Lion Brand Pure \* \* \* Preserves Manufactured by Salomo Food Products Co., St. Louis, Mo.;" "Opal Brand Pure \* \* \* Preserves \* \* \* Packed For Charles Hewitt & Sons Co., Des Moines, Iowa;" "Golden Drip Brand Grape Jam [or "Preserves"] \* \* \* Distributed By Empire Distributing Co., St. Louis, Mo."

The grape jam, the pineapple preserves, and part of the cherry and strawberry preserves were alleged to be adulterated in that glucose had been substituted in part for pure jam and preserves, which they purported to be. Two lots of the strawberry preserves were alleged to be adulterated in that added acid and glucose had been substituted in part for strawberry preserves in one instance; and in that a product deficient in fruit which contained excess sugar had been substituted for strawberry preserves in the other.

The remaining preserves were alleged to be adulterated in that excess water, added acid, glucose, or pectin—one or more of said substances being present in all—had been mixed and packed with them so as to reduce their quality; in that products deficient in fruit and containing excess sugar, excess water, added acid, glucose, or pectin—one or more being present in all—had been substituted for pure preserves, which they purported to be; and that articles inferior to pure preserves had been mixed with said substances so as to simulate the appearance of preserves and in a manner whereby their inferiority to preserves was concealed.

On October 5, 1937, the corporation entered a plea of guilty to all counts and the court imposed a fine of \$400. On the same date the individual defendants entered pleas of guilty to one count and were each fined \$100. The remaining counts were stricken as to the individual defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27930. Adulteration of evaporated apples.** U. S. v. Henry R. Gregg. Plea of guilty. Fine, \$50. (F. & D. No. 37938. Sample No. 55657-B.)

This product contained excessive moisture.

On August 24, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry R. Gregg, Rochester, N. Y., alleging shipment by said defendant on or about December 18, 1935, from the State of New York into the State of Illinois of a quantity of evaporated apples that were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that partially evaporated apples had been mixed and packed with and substituted wholly or in part for evaporated apples, which it purported to be.

On October 11, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27931. Adulteration and misbranding of assorted preserves. U. S. v. The J. M. Smucker Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 37983. Sample Nos. 55517-B, 55518-B, 55519-B.)**

These products contained less fruit and more sugar than preserves should contain. The blackberry contained added pectin; the peach, added acid; and the red raspberry, both added acid and pectin.

On August 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. M. Smucker Co., Orrville, Ohio, alleging shipment by said company on or about January 7 and January 22, 1936, from the State of Ohio into the State of Michigan of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. They were labeled variously in part: (Jars) "Quaker Pure Blackberry [or "Peach" or "Red Raspberry"] Preserves \* \* \* Lee and Cady Distributors Michigan."

The articles were alleged to be adulterated in that products consisting of mixtures of (1) blackberries, sugar, and pectin; (2) peaches, sugar, and acid; and (3) red raspberries, pectin, acid, and sugar—said mixtures containing less fruit and more sugar than preserves should contain—had been substituted for preserves, which they purported to be; in that sugar and pectin in the case of the blackberry, sugar and acid in the case of the peach, and sugar, pectin, and acid in the case of the red raspberry, had been mixed with the articles so as to reduce or lower their quality; and in that they had been mixed in a manner whereby their inferiority had been concealed.

They were alleged to be misbranded in that the following statements "Pure Blackberry Preserves," "Pure Peach Preserves," and "Pure Red Raspberry Preserves," were false and misleading in that the articles were labeled as aforesaid so as to deceive and mislead the purchaser; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On November 8, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27932. Adulteration and misbranding of meat scrap and bonemeal. U. S. v. Schoen Bros., Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 38027. Sample No. 69002-B.)**

This product contained not less than 25 percent of sand.

On March 31, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Schoen Bros., Inc., Atlanta, Ga., alleging shipment by said company on or about May 5, 1936, from the State of Georgia into the State of Alabama of a quantity of meat scrap and bonemeal that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tags) "Schoen's Meat Scrap & Bone Meal \* \* \* Schoen Brothers, Inc. Manufacturers Atlanta Georgia."

It was alleged to be adulterated in that a mixture of sand with meat scrap having a sand content of not less than 25 percent had been substituted wholly or in part for meat scrap and bonemeal, which it purported to be; and in that sand in a proportion of not less than 25 percent had been mixed and packed with it so as to reduce or lower its quality.

The article was alleged to be misbranded in that the statement "Meat Scrap and Bone Meal," on the label, was false and misleading when applied to a product which contained not less than 25 percent of sand; and in that it was labeled as aforesaid so as to deceive and mislead the purchaser.

On October 25, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27933. Adulteration of canned salmon. U. S. v. Sigmund Einstoss (Einstoss Packing Co.). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 38055. Sample No. 56345-B.)**

This product was in part decomposed.

On December 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against Sigmund Einstoss, trading as Einstoss Packing Co., Seattle Wash., alleging shipment by said defendant on or about August 14, 1935, in violation of the Food and Drugs Act, from the State of Washington into the State of Maryland of a quantity of canned salmon that was adulterated. The article was labeled in part: (Cans) "Farbest Cohoe Select Salmon \* \* \* Packed in U. S. A. For Farwest Fisheries Inc. Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 15, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$15 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27934. Adulteration of strawberries. U. S. v. 2 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40008. Sample No. 39350-C.)**

This product was in whole or in part moldy.

On July 22, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of frozen strawberries at Berkeley, Calif., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by the Terminal Ice & Cold Storage Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Emery Co. Strawberries."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27935. Adulteration and misbranding of jellies and misbranding of fruit spread. U. S. v. 15 Cases of Strawberry Jelly, et al. Default decree of condemnation and destruction. (F. & D. No. 40029. Sample Nos. 21175-C to 21178-C, incl.)**

This case covered two lots of jellies and two lots of products which resembled preserves and which were labeled "Fruit Spread." They contained less fruit or fruit juice and more sugar than standard jellies or preserves, and they also contained added pectin and water. They were short of the declared weight.

On August 3, 1937, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of strawberry and raspberry jellies; 40 cases of strawberry and raspberry spread at Lewiston, Maine., alleging that the articles had been shipped in interstate commerce in various shipments from April 23 to May 20, 1937, by E. & F. G. Campbell, from West Lebanon, N. H., and charging adulteration and misbranding of the jellies, and misbranding of the fruit spread in violation of the Food and Drugs Act as amended. The articles were labeled in part: "15 Oz. Home Made Strawberry [or "Raspberry"] Jelly"; "16 Oz. Home Made Strawberry [or "Raspberry"] Spread \* \* \* Whole Fruit Cane Sugar Fruit Pectin." Both were labeled: "Made by Elizabeth Campbell West Lebanon, N. H."

The jellies were alleged to be adulterated in that sugar, pectin, and water had been mixed and packed therewith so as to reduce or lower their quality; and in that mixtures of fruit juice, sugar, pectin, and water, containing less fruit juice and more sugar than jelly had been substituted for strawberry and raspberry jellies, which they purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

All products were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to imitation jellies and preserves which were short weight: "15 Oz. Home Made Strawberry [or "Raspberry"] Jelly"; "16 Oz. Home Made Strawberry [or "Raspberry"] Spread." They were alleged to be misbranded further in that they were imitations of "Home Made Strawberry [or "Raspberry"] Jelly" and "Home Made Strawberry [or "Raspberry"] Spread"; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages since the quantities stated were not correct.

On October 1, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27936. Misbranding of Fruit-Spread. U. S. v. 11 Packages, 8-ounce Size, et al., of Fruit-Spread. Default decree of condemnation and destruction. (F. & D. Nos. 40042, 40113, 40114. Sample Nos. 50756-C, 50775-C.)**

These products were artificially colored mixtures of concentrated fruits, acid, pectin, and sugar; and they were labeled to imply that they consisted entirely of fruits. The product in some of the 2-ounce packages was short weight.

On August 12 and 19, 1937, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 92 8-ounce packages and 568 2-ounce packages of various types of Fruit-Spread in part at Colbert, Wash., and in part at Opportunity, Wash., alleging that the articles had been shipped in interstate commerce between the dates of March 27 and July 26, 1937, by California Fruit Products, Ltd., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Raspberry [or "Loganberry," "Blackberry," "Grape," "Currant," "Orange," or "Concord Grape"] Sun Gold Fruit-Spread \* \* \* This package contains concentrated fruit, fruit pectin and acid from citrus fruits Pure Dextrose. U. S. Certified Color \* \* \* Manufactured and guaranteed by California Fruit Products, Ltd., Los Angeles, California."

The articles were alleged to be misbranded in that the following statements in the labeling, "Raspberry [or "Loganberry," "Blackberry," "Grape," "Currant," "Orange," or "Concord Grape"] Makes ten pounds Fruit-Spread Simply Add Sugar, Water and Boil," were false and misleading and tended to deceive and mislead the purchaser in that they implied that the articles were 100 percent fruit; whereas they contained 40 percent or more of added sugar, added acid, added pectin, an artificial color and the misleading impression was not corrected by the statement of composition, which was inconspicuously displayed. Some of the 2-ounce packages of loganberry, blackberry, grape, and currant were alleged to be misbranded further in that they were short weight.

On November 18, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27937. Adulteration of canned tomato paste. U. S. v. 22 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 40057. Sample No. 46502-C.)**

This product contained excessive mold.

On August 11, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of tomato paste at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about June 25, 1937, by the Fredonia Salsina Canning Co., Inc., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Blue Bird Brand Fancy Paste of Tomatoes \* \* \* Packed by Fredonia Salsina Canning Co. Inc."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On October 21, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27938. Adulteration of canned tuna. U. S. v. 700 Cases of Tuna. Decree of condemnation. Product released under bond. (F. & D. No. 40069. Sample No. 41036-C.)**

This product was in part decomposed.

On or about August 16, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned tuna at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, by the Coast Fishing Co. from Wilmington, Calif., and charging adulteration in violation of the Food and

**Drugs Act.** The article was labeled in part: (Cans) "Sultana Tuna \* \* \* The Great Atlantic & Pacific Tea Co. New York, N. Y. Distributors."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 24, 1937, the Coast Fishing Co., Wilmington, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27939. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 40076. Sample No. 38265-C.)**

This product was infested with worms.

On August 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by Duris Bros. from Granville Center, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Highland Blues Grown and Packed by Duris Brothers Granville Center, Mass."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27940. Adulteration of butter. U. S. v. 436 Tubs of Butter. Product released under bond. (F. & D. No. 40083. Sample Nos. 43145-C, 43146-C, 43152-C, 53153-C, 53155-C, 43156-C, 43157-C.)**

This product contained less than 80 percent of milk fat.

On August 2, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 436 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in various shipments from May 23 to July 19, 1937, inclusive, by the Pruitt Produce Co. from Ardmore, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On November 4, 1937, Tom J. May, St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to claimant under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27941. Adulteration of walnut meats. U. S. v. 8 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 40127. Sample No. 51128-C.)**

This product was in part moldy, worm-eaten, rancid, and decomposed.

On August 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the Davis Nut Shelling Co. from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ambers From Davis Nut Shelling Co." It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27942. Adulteration and misbranding of Limburger cheese. U. S. v. 12 Cases, 3 Cases, and 66 Packages of Limburger Cheese. Default decree of condemnation and destruction.** (F. & D. Nos. 40149, 40150, 40151. Sample Nos. 43442-C, 43443-C, 50767-C.)

This product contained insect fragments. A portion was labeled to indicate that it was of foreign origin, whereas it was a domestic product.

On or about August 15, and August 18, 1937, the United States attorneys for the Eastern District of Washington and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 cases of Limburger cheese at Spokane, Wash., and 3 cases and 66 packages of the same product at New Orleans, La., alleging that it had been shipped in interstate commerce on or about July 20 and 24, 1937, by Badger Brodhead Cheese Co. from Monroe, Wis., and charging adulteration of the former and adulteration and misbranding of the latter in violation of the Food and Drugs Act. A portion was labeled: (Wrapper on packages) "Alter Deutscher Echter Limburger Kaese [English translation—Old German Genuine Limburger Cheese]." The remainder was labeled: "Finest Quality Badger Brand \* \* \* Limburger Cheese American Style \* \* \* Badger-Brodhead Cheese Co. Monroe, Wis."

Both lots were alleged to be adulterated in that the product consisted wholly or in part of a filthy animal substance.

A portion was alleged to be misbranded in that the statement "Alter Deutscher Echter Limburger Kaese" was false and misleading and tended to deceive and mislead the purchaser when applied to a domestic product; and in that it purported to be a foreign product when not so.

On October 8 and December 2, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27943. Adulteration and misbranding of sweet ground chocolate. U. S. v. 5 Barrels of Rockwood's Sweet Ground Chocolate. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. No. 40150. Sample No. 10778-C.)

This product was described on its label as "Pure Cocoa Powder" and "Sweet Ground Chocolate"; whereas it was neither pure cocoa powder nor sweet chocolate.

On August 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of sweet ground chocolate at Oakland, Calif., alleging that it had been shipped in interstate commerce on or about April 17, 1937, by Rockwood & Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manufactured by Rockwood & Co., Brooklyn, N. Y."

It was alleged to be adulterated in that a mixture of sugar and of a cacao product containing less fat than is contained in chocolate had been substituted for sweet ground chocolate and for pure cocoa powder, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Sweet Ground Chocolate" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was sweetened cocoa and was neither pure cocoa powder nor sweet chocolate; and in that it was offered for sale under the distinctive names of other articles, sweet ground chocolate and pure cocoa powder.

On December 4, 1937, Rockwood & Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27944. Adulteration of tomato puree. U. S. v. 992 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. No. 40176. Sample No. 31601-C.)

This product contained excessive mold.

On August 25, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 992 cases of tomato puree at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Barker Canning Co. from Barker, N. Y.,

and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Cadet Brand Tomato Puree, J. C. Perry & Co., Inc., Distributors Indianapolis, Ind."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance since it contained mold.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27945. Adulteration and misbranding of fruit sirups. U. S. v. 21 Gallon Jugs of Harrison's Heart O'Lemon, et al. Default decree of condemnation and destruction.** (F. & D. No. 40183. Sample No. 42501-C.)

These products all contained undeclared artificial color and the cherry and grape types contained little or no fruit juices.

On August 27, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended October 30, 1937) praying seizure and condemnation of 51 gallon jugs of fruit sirups at Indianapolis, Ind., alleging that the articles had been shipped in interstate commerce on or about August 11, 1937, by the Harrison Orange Co. from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Harrison's Heart O'Lemon [or "Cherry" or "Grape"] from fresh fruit \* \* \* Made from Pure Lemon [or "Cherry" or "Grape"] Juice Contains All the Natural Fruit Properties Harrison Orange Corporation \* \* \* Chicago, Ill."

All products were alleged to be adulterated in that they had been mixed and colored in a manner whereby inferiority was concealed.

The cherry and grape types were alleged to be adulterated further in that substances containing little or no fruit juice had been substituted for pure cherry and pure grape juice, which they purported to be.

The articles were alleged to be misbranded in that the statements on the labels relating to the fruit content were false and misleading and tended to deceive and mislead the purchaser when applied to the cherry and grape sirups which contained little or no fruit juices and to the lemon, cherry, and grape sirups which contained undeclared artificial color; they were alleged to be misbranded further in that the cherry and grape sirups were imitations of the genuine products, and all were offered for sale under the distinctive names of the genuine products.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27946. Adulteration of apples. U. S. v. 160 Bushels of Jonathan Apples. Decree of condemnation and destruction.** (F. & D. No. 40351. Sample No. 62355-C.)

This product was contaminated with arsenic and lead.

On or about September 13, 1937, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 bushels of apples at Muskogee, Okla., alleging that the article had been shipped in interstate commerce on or about September 7, 1937, by Dennis J. Scott from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27947. Adulteration of crab apples. U. S. v. 96 Boxes of Hyslop Crab Apples. Decree of condemnation. Product released under bond to be cleansed.** (F. & D. No. 43052. Sample No. 41330-C.)

These apples were contaminated with arsenic and lead.

On or about September 14, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96

boxes of crab apples at Kansas City, Mo., alleging that the article had been shipped on or about September 1, 1937, by Associated Growers of British Columbia, Ltd., from Kelowna, B. C., Canada, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed and Shipped by Kelowna Growers Exchange."

The apples were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them injurious to health.

On September 16, 1937, the Wm. F. Helm Produce Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleansed in order to remove the deleterious substances.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27948. Adulteration of apples. U. S. v. 666 Bushel Baskets and 96 Boxes of Apples. Consent decree of condemnation. Product released under bond. (F. & D. No. 40375. Sample Nos. 43984-C to 43995-C, incl., 43998-C.)**

This product was contaminated with lead.

On September 14, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 666 bushel baskets and 96 boxes of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce in various shipments between the dates of August 23 and September 10, 1937, by the Treat Orchard Co. from Esom Hill, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On September 15, 1937, the Treat Orchard Co., Esom Hill, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned. The deleterious substance was removed by washing under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27949. Adulteration of apples. U. S. v. 260 Bushels of Jonathan Apples. Consent decree of condemnation. Product released under bond to be rewashed. (F. & D. No. 40408. Sample Nos. 4768-C, 4771-C.)**

This product was contaminated with arsenic and lead.

On September 18, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 bushels of apples at Omaha, Nebr., alleging that the article had been transported in interstate commerce on or about September 15 and 16, 1937, from the orchard of C. E. Hitz, Fortescue, Mo., by Louis Green, of Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 23, 1937, Louis Green, claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the deleterious substances be removed by washing.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27950. Adulteration of apples. U. S. v. 355 Baskets of Apples. Consent decree entered providing for release of product under bond to be reconditioned. (F. & D. No. 40455. Sample No. 41156-C.)**

This product was contaminated with lead and arsenic.

On September 27, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 355 baskets of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by J. F. Cottam from Veyo, Utah, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On September 30, 1937, the McInnis Packing Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, the court ordered release of the product under bond to be reconditioned. It was reconditioned by washing under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27951. Adulteration of apples. U. S. v. 106 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40854. Sample No. 59765-C.)**

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, by H. J. Billerbeck from Grand Junction, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 7, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27952. Adulteration of apples. U. S. v. 140 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40615. Sample No. 49630-C.)**

This product was contaminated with arsenic and lead.

On October 18, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bushels of apples at Continental, Ohio, alleging that the article had been shipped in interstate commerce on or about October 8, 1937, from Watervliet, Mich., by Gerald Bibler, of Continental, Ohio, consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 2, 1938, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27953. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40661. Sample No. 59498-C.)**

This product was contaminated with arsenic and lead.

On October 5, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at East Moline, Ill., alleging that the article had been transported in interstate commerce on or about October 1, 1937, from Benton Harbor, Mich., by the Tri City Packing Co., of East Moline, Ill., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "August Lull R. 2, Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27954. Adulteration of apples. U. S. v. 30 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40856. Sample No. 59971-C.)**

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1937, from Benton Harbor, Mich., by Nat Broverman, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Oscar Erickson, R. 2 Coloma, Mich."

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 23, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27955. Adulteration of apples. U. S. v. 6 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40584. Sample No. 49753-C.)**

This product was contaminated with arsenic and lead.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 27, 1937, from Bridgeman, Mich., by Carl Groth, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 8, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27956. Adulteration of apples. U. S. v. 120 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40618. Sample No. 59601-C.)**

This product was contaminated with arsenic and lead.

On October 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1937, from Sodus, Mich., by Joseph Martorano, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 11, 1937, the claimant having admitted the allegations of the libel and consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27957. Adulteration of apples. U. S. v. 13 Baskets and 12 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40588. Sample No. 59423-C.)**

This product was contaminated with arsenic and lead.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 baskets and 12 crates of apples at Calumet City, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by V. J. Knapp from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. Edwards, Sodus, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 7, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27958. Adulteration of apples. U. S. v. 42 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 41018. Sample No. 59616-C.)

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1937, from Benton Harbor, Mich., by Theo. Smith, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 9, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27959. Adulteration of apples. U. S. v. 124 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40541. Sample No. 59418-C.)

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Coloma, Mich., by Tony Megna, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 5, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27960. Adulteration of apples. U. S. v. 28 Baskets of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40852. Sample No. 59745-C.)

This product was contaminated with arsenic and lead.

On October 29, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 24, 1937, from Stevensville, Mich., by Charles Jansen, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 13, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27961. Adulteration of apples. U. S. v. 250 Bushels of Apples. Consent decree of condemnation. Product released under bond conditioned that poisonous substance be removed.** (F. & D. No. 40619. Sample No. 61741-C.)

This product was contaminated with lead-spray residue.

On October 19, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 250 bushels of apples at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by Dunbars Storage Co. from Gasport, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "W. I. Clapper Hilton N. Y."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 22, 1937, Myron Dobbins, Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the apples under bond conditioned that the poisonous spray residue be removed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27962. Adulteration of crab apples and apples. U. S. v. 14 Bushels of Crab Apples and 31 Bushels of Apples. Consent decrees of condemnation and destruction.** (F. & D. Nos. 40435, 40442. Sample Nos. 59139-C, 59141-C.)

These products were contaminated with arsenic and lead.

On September 21, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 bushels of crab apples and 31 bushels of apples at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on September 14 and 15, 1937, by Amiel F. Dass from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled respectively: "Hyslop Crabs Stanley Madej R. 2 Bravo, Mich."; and "Wealthy Packed by Coloma Orchard \* \* \* Coloma, Michigan."

They were alleged to be adulterated in that they contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On September 21, 1937, the claimant having consented to the entry of decrees, the products were condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27963. Adulteration of apples. U. S. v. 5 Bushels and 5 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40664. Sample Nos. 49655-C, 49656-C.)

This product was contaminated with arsenic and lead.

On October 18, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Mishawaka, Ind., alleging that the article had been shipped in interstate commerce on or about October 11, 1937, by Verl Sones, of Mishawaka, Ind., from Berrien Springs, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27964. Adulteration of apples. U. S. v. 64 Bushels and 71 Bushels of Apples. Consent decrees of condemnation. Product delivered to a charitable institution on condition that deleterious substances be removed before its use.** (F. & D. Nos. 40679, 40690. Sample Nos. 48816-C, 48817-C, 58309-C.)

This product was contaminated with arsenic and lead.

On October 22 and 27, 1937, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 135 bushels of apples at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 17 and 21, 1937, by Harry Marks from DeKalb, Mo.,—a part from the Kenmore orchard—and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 23 and 30, 1937, the Kenmore Orchard, DeKalb, Mo., and Marks & Woods, Omaha, Nebr., the owners of the apples, having consented to the entry

of decrees, the product was condemned and ordered to be turned over to a charitable institution provided the apples were first pared to remove all poisonous ingredients.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27965. Adulteration of apples. U. S. v. 23 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40737. Sample No. 59368-C.)**

This product was contaminated with arsenic and lead.

On October 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Cicero, Ill., alleging that the article had been shipped in interstate commerce on or about October 17, 1937, by H. Goltz from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "M. W. Snyder R. 1, Sodus, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27966. Adulteration of apples. U. S. v. 54 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40857. Sample No. 59978-C.)**

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1937, by Steve Karnesky, of Chicago, Ill., from Bangor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 2, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27967. Adulteration of apples. U. S. v. 1 Carload of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40875. Sample No. 49541-C.)**

This product was contaminated with arsenic and lead.

On October 29, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 6, 1937, by Cohodas Bros. from Frankfort, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 9, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27968. Adulteration of apples. U. S. v. 20 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40937. Sample No. 59996-C.)**

This product was contaminated with arsenic and lead.

On November 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Chicago, Ill., alleging that the article had been shipped on or about November 2, 1937, by Adam Tsarpolas, of Chicago, Ill., from South Haven, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The arti-

cle was labeled in part: "From E. E. Bushee, Rt. 2 So. Haven, Mich. Washed."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 10, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27969. Adulteration of apples. U. S. v. 16 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40938. Sample No. 67708-C.)**

This product was contaminated with arsenic and lead.

On November 15, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1937, by Eugene C. Schaack from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 30, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27970. Adulteration of apples. U. S. v. 26 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40980. Sample No. 67720-C.)**

This product was contaminated with arsenic and lead.

On November 15, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Chicago, Ill., alleging that the article had been shipped on or about November 9, 1937, by Chas. Barowski, of Chicago, Ill., from Ludington, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 7, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27971. Adulteration of apples. U. S. v. 116 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41017. Sample No. 59083-C.)**

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 bushels of apples at Chicago, Ill., alleging that the article had been shipped on or about August 29, 1937, by Rosenthal & Stockfish, of Chicago, Ill., from Benton Harbor, Mich., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ferdinand D. Bahm, R. 1 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27972. Adulteration of apples. U. S. v. 98 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41233. Sample Nos. 49515-C, 59309-C.)**

This product was contaminated with arsenic and lead.

On October 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 bushels of apples

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 12, 1937, by Bernie Produce Co. from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27973. Adulteration of apples. U. S. v. 77 Boxes of Apples. Default decree of destruction.** (F. & D. No. 41349. Sample No. 1132-C.)

This product was contaminated with arsenate of lead.

On October 20, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 boxes of apples at Glasgow, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, by J. M. Wade from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by E. T. Farrington, Wenatchee, Wash."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenate of lead, which might have rendered it injurious to health.

On January 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27974. Adulteration of apples. U. S. v. 250 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40514. Sample No. 57877-C.)

This product was contaminated with lead.

On October 16, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 bushels of apples at Washington, D. C., alleging that the article had been transported from the Boyd Orchard (Mrs. K. Silver), Martinsburg, W. Va., by Hury O. Reynolds, of Washington, D. C., on or about October 15, 1937, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained a poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On December 6, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27975. Adulteration of apples. U. S. v. 100 Bushels of Apples. Consent decree of condemnation. Product delivered to a charitable institution.** (F. & D. No. 40658. Sample No. 56437-C.)

This product was contaminated with arsenic and lead.

On September 8, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bushels of apples at Emporia, Kans., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, by the Patterson Produce Co. from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 6, 1937, the claimant having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable institution on condition that they be peeled and used in said institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27976. Adulteration of apples. U. S. v. 21 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40654. Sample No. 50208-C.)

This product was contaminated with arsenic and lead.

On October 12, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 21 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, by Charles Ott from Baroda, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 21, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27977. Adulteration of apples. U. S. v. 13 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40656. Sample No. 50215-C.)**

This product was contaminated with arsenic and lead.

On October 14, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 7, 1937, by James Smith from Sodus, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 22, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27978. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40660. Sample No. 59482-C.)**

This product was contaminated with arsenic and lead.

On October 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bushels of apples at Cicero, Ill., alleging that the apples had been shipped on or about September 30, 1937, by John Varchulik, of Chicago, Ill., from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "L. C. Harris R 1 Benton Harbor, Mich."

The apples were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27979. Adulteration of apples. U. S. v. 15 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40659. Sample No. 59445-C.)**

This product was contaminated with arsenic and lead.

On or about October 15, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Spring Valley, Ill., alleging that the article had been transported in interstate commerce on or about September 26, 1937, by George Kaleel, of Spring Valley, Ill., from Sodus, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27980. Adulteration of apples. U. S. v. 57 Bushels of Apples. Consent decree of condemnation of destruction.** (F. & D. No. 40689. Sample No. 49525-C.)

This product was contaminated with arsenic and lead.

On October 21, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bushels of apples at Chicago, Ill., alleging that the article had been shipped on or about October 14, 1937, by F & H Produce Co. from Benton Harbor, Mich., consigned to themselves, Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ed Burch R 3 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 29, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27981. Adulteration of apples. U. S. v. 188 Bushels of Apples. Default decree of condemnation. Product delivered to charitable institutions.** (F. & D. No. 40542. Sample Nos. 60626-C, 60628-C.)

This product was contaminated with arsenic and lead.

On October 4, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 188 bushels of apples at Colorado Springs, Colo., alleging that the article had been transported in interstate commerce on or about September 18, 1937, having been consigned by the J. C. Palumbo Fruit Co. from Emmett, Idaho, and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "Specially Packed For J. C. Palumbo Fruit Co. Wenatchee, Wash.—Payette, Idaho."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions to be used by such institutions after removal of the deleterious substances.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27982. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40663. Sample No. 49646-C.)

This product was contaminated with arsenic and lead.

On October 15, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about October 10, 1937, by Bernstein Bros., of Fort Wayne, Ind., from Benton Harbor, Mich., consigned to themselves and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "August Lull R. 2 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27983. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40691. Sample No. 59082-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, by David Pepper from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Gottlieb Radke, R-2 Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27984. Adulteration of apples. U. S. v. 6 Bushels and 17 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40617. Sample Nos. 49795-C, 50201-C.)**

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, by L. Hawley & Son from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 2, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27985. Adulteration of apples. U. S. v. 32 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40539. Sample No. 59189-C.)**

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 16, 1937, by E. Farr & Sons from Terre Haute, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27986. Adulteration of apples. U. S. v. 30 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40537. Sample No. 49741-C.)**

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by F. Alten from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 28, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27987. Adulteration of apples. U. S. v. 230 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40536. Sample No. 49732-C.)**

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce

on or about September 22, 1937, by J. Cohen & Co., of Chicago, Ill., from Coloma, Mich., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by Coloma Orchard Co. Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27988. Adulteration of apples. U. S. v. 60 Bushels of Apples. Consent decree of condemnation. Product destroyed. (F. & D. No. 40488. Sample No. 35477-C.)**

These apples were contaminated with arsenic and lead spray residue.

On or about September 4, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bushels of apples at Enid, Okla., alleging that the article had been transported in interstate commerce on or about August 31, 1937, by Earnest Kilgore from Rogers, Ark., and charging adulteration in violation of the Food and Drugs Act.

They were alleged to be adulterated in that they contained added poisonous ingredients, arsenic and lead, which might have rendered them injurious to health.

On September 7, 1937, Earnest Kilgore, Enid, Okla., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the marshal was ordered to destroy the product or sell it after removing the deleterious substances. It was destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27989. Adulteration of apples. U. S. v. 45 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40665. Sample No. 59660-C.)**

This product was contaminated with arsenic and lead.

On or about October 21, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bushels of apples at Rock Island, Ill., alleging that the article had been transported in interstate commerce on or about October 4, 1937, by E. Doyle, of Rock Island, Ill., from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Bertha Bahm, R-2 Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27990. Adulteration of apples. U. S. v. 75 Crates of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40409. Sample No. 49037-C.)**

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 crates of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 3, 1937, by Albert Dykstra, of Chicago, Ill., from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 18, 1937, the claimant having consented to the destruction of the apples, judgment of condemnation was entered and they were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27991. Adulteration of apples. U. S. v. 81 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40430. Sample No. 59093-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 3, 1937, by J. M. Benson Co. from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 22, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27992. Adulteration of apples. U. S. v. 62 Bushels and 16 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40427. Sample Nos. 49435-C, 49436-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 9, 1937, by Geo. Glenos, of Chicago, Ill., from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On September 22, 1937, the claimant having consented to the destruction of the apples, judgment of condemnation was entered and they were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27993. Adulteration of apples. U. S. v. 49 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40855. Sample No. 59749-C.)

This product was contaminated with arsenic and lead.

On October 29, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 24, 1937, from Coloma, Mich., by Alex Kvetkas, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Oscar Erickson R. 2 Coloma, Mich."

It was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 30, 1937, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27994. Adulteration of apples. U. S. v. 17 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40616. Sample No. 49689-C.)

This product was contaminated with arsenic and lead.

On October 20, 1937, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bushels of apples at Lexington, Ky., alleging that the article had been transported in interstate commerce on or about October 13, 1937, from Berrien Springs, Mich., by truck of J. D. Southworth, of Lexington, Ky., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 27, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27995. Adulteration of apples. U. S. v. 594 Crates of Apples. Consent decree of condemnation. Product released under bond to be washed. (F. & D. No. 40743. Sample No. 59845-C.)**

This product was contaminated with arsenic and lead.

On October 12, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 594 crates of apples at Davenport, Iowa, alleging that the article had been shipped in interstate commerce on or about October 6, 1937, by truck of the Lincoln Farm, driven by N. W. Filbus, from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, Lagomarcino-Grupe Co., Davenport, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleaned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27996. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. No. 40740. Sample No. 59973-C.)**

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 31, 1937, by Frank Angello, of St. Louis, Mo., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled; "L. C. Harris R 1 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered, and the apples were ordered turned over to a charitable organization conditioned that they be peeled and cored and the peelings and cores destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27997. Adulteration of apples. U. S. v. 108 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40535. Sample No. 48263-C.)**

This product was contaminated with lead.

On October 13, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 bushels of apples at Baltimore, Md., alleging that the article had been shipped by Clyde Ward from Crozet, Va., on or about October 12, 1937, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead.

On October 14, 1937, the owner having admitted the allegations of the libel and having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27998. Adulteration of apples. U. S. v. 23 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 40535. Sample No. 49755-C.)**

This product was contaminated with arsenic and lead.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 23 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 27, 1937, by Ed Pudell from Sodus, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27999. Adulteration of crab apples. U. S. v. 7 Half Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 40694. Sample No. 59081-C.)**

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 half bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, by Wm. H. Schuhknecht from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crabapple John L. Miller, Coloma, Mich." It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28000. Adulteration of apples. U. S. v. 72 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40336. Sample No. 58829-C.)**

This product was contaminated with lead.

On September 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by the N. J. Fruit & Produce Co. from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*